SENATE—*Tuesday, June 2, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

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

Let us pray:

Judge not, that ye be not judged. For with that judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.—Matthew 7:2. *For all have sinned, and come short of the glory of God.*—Romans 3:23.

Eternal God, perfect in truth, justice, and righteousness, as Your Word declares, we are all in the same boat. It hardly behooves any of us to stand in judgment against another. We are all sinners. We have all come short of the glory of God. We have all failed to measure up to Your perfect truth, justice, and righteousness.

Patient Father, forgive us for condemning others with the same condemnation which we deserve. Forgive us for the scapegoating which persists in casting blame upon others while we absolve ourselves. Help us to see ourselves as God sees us and, having accepted our condition, help us to confess and receive Your absolution.

In the name of the Lamb of God that takes away the sin of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning the period for morning business will extend until 10 a.m., with Senators permitted to speak for up to 5 minutes each.

At 10 a.m., the Senate will begin consideration of S. 474, the Professional and Amateur Sports Protection Act. Consideration of this bill will be governed by unanimous-consent agreement, details of which can be found on page 2 of the Senate Legislative Calendar.

As noted in that agreement, the only amendment in order to the bill other than a modification of the committee substitute is one to be offered by Senator GRASSLEY, with a maximum of 2 hours for debate on the amendment.

Any rollcall votes ordered relative to the bill will occur no earlier than 2:15 p.m. today.

The Senate will stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conference luncheons.

Following disposition of the sports gambling bill, the Senate will proceed to the consideration of S. 1504, the Corporation for Public Broadcasting authorization bill. That bill will be governed by a unanimous-consent agreement, which is also printed on page 2 of the Senate Legislative Calendar.

Under that agreement, there is a finite list of amendments remaining in order to the bill.

Therefore, Senators should be alerted to the fact that the first vote relative to the sports gambling bill will occur no earlier than 2:15, and it is expected to occur at about 2:15 p.m., and other votes are likely to follow in relation to the Corporation for Public Broadcasting authorization bill.

RESERVATION OF LEADER TIME

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

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

VOTING SCHEDULE FOR JUNE 1 THROUGH JULY 2

Mr. MITCHELL. Mr. President, I want to call the attention of Senators to the letter which I had written to Senators prior to Memorial Day in which I set forth the legislative schedule for the legislative period commencing today and ending just prior to the Fourth of July.

I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks today.

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

(See exhibit 1.)

Mr. MITCHELL. Senators should be aware, and the letter places Senators on notice, that when the Senate is in session, rollcall votes can occur at any time.

I want that clearly understood by all Senators, that rollcall votes may occur at any time when the Senate is in session. There are relatively few legislative days left in this session, and it is imperative that we make the most efficient use of the time in which the Senate is in session. And that means that Senators must be present or remain within close proximity to the Capitol in order to respond to rollcall votes.

So Senators are on notice, and have been now for nearly 2 weeks. I want to remind everyone that rollcall votes can occur at any time that the Senate is in session.

Mr. President, I yield the floor.

EXHIBIT 1

OFFICE OF THE MAJORITY LEADER,
Washington, DC, May 22, 1992.

DEAR COLLEAGUE: I am writing to advise you of the voting schedule during the legislative period from Monday, June 1 through Thursday, July 2.

Mondays: There will be no rollcall votes on June 1 or on June 8. Rollcall votes may occur after 5:00 p.m. on June 15, June 22 and June 29.

Tuesdays: Rollcall votes may occur at any time.

Wednesdays: Rollcall votes may occur at any time.

Thursdays: Rollcall votes may occur at any time.

Fridays: There will be no rollcall votes on June 5. There will be no session on July 3, the federal holiday in observance of Independence Day. Rollcall votes may occur prior to 3:00 p.m. on June 12, June 19 and June 26.

This schedule will be observed unless otherwise specifically stated. Whenever adjustments are necessary, I will attempt to give you as much notice as is possible under the circumstances.

Other than as specifically excluded above, rollcall votes may occur "at any time" that

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

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the Senate is in session. "This includes the possibility of procedural votes to ensure the attendance of Senators. All Senators are hereby placed on notice of the possibility of such votes, and at any time, without prior notice, including on Monday evenings and on Fridays."

I will write you again prior Independence Day to announce the voting schedule for the next legislative period.

Sincerely,

GEORGE J. MITCHELL.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

Mr. HEFLIN. Mr. President, I rise today to support legislation requiring the Federal Government to achieve and maintain a balanced budget. Senate Joint Resolution 18, introduced by Senator SIMON, passed the Judiciary Committee and has been on the calendar for over a year. I am proud to be an original cosponsor of this resolution, which has strong bipartisan support. Floor action on this measure has been promised, and I anticipate that the Senate will have an opportunity to vote on this proposed amendment to the Constitution during this month of June.

Throughout my tenure as a U.S. Senator, in every Congress I have introduced legislation proposing a constitutional amendment requiring a balanced budget, and I have dedicated myself to work with my colleagues to curb Federal spending. Indeed, the fiscal irresponsibility demonstrated over the years has convinced me that the only way to achieve and maintain a balanced Federal budget is by a constitutional requirement.

For much of our Nation's history, a balanced Federal budget was the status quo and part of our unwritten constitution. For our first 100 years, this country carried a surplus budget, but in recent years this Nation's spending has gone out of control.

Congress has made efforts to bring the budget under control by legislative means, but it is clear that it has failed. Constitutional discipline is the only way we can achieve the goal of reducing deficits. Ever since I have been in the Senate, I have supported and advocated efforts which have come close to moving a balanced budget amendment through Congress. During the 97th Congress, a measure was passed in the Senate with the necessary two-thirds vote, but failed to gain passage in the House. In the 99th Congress, after extensive debate, passage of a balanced budget amendment by the Senate failed by one vote—it achieved 66 votes. The constitutional requirement of two-thirds was one shy.

Last Congress, I supported a measure which passed the Judiciary Committee, but it was never considered by the full Senate. Therefore, I continue to call on my colleagues to support this crucial initiative.

Section 1 of Senate Joint Resolution 18 requires a three-fifths vote of each House of Congress before the Federal Government can engage in deficit spending. A 60-percent vote in the Senate is a very difficult one to obtain. This requirement should establish the norm that spending will not exceed receipts in any fiscal year. If the Government is going to spend money, it should have the money on hand to pay its bills.

Section 2 provides for the submission by the President of a balanced budget to Congress. This section reflects the belief that sound fiscal planning should be a shared governmental responsibility by the President as well as the Congress.

Section 3 of the amendment requires a majority vote of the whole number of each House of Congress any time Congress votes to increase revenues. This holds public officials responsible, and puts elected officials on record for any tax increase which may be necessary to support Federal spending.

Section 4 of the amendment not only permits a waiver of the provisions for any fiscal year in which a declaration of war is in effect, but also contains a waiver provision in cases of less than an outright declaration of war—where the United States is engaged in military conflict which causes an imminent and serious threat to national security, and is so declared by a joint resolution. Under this scenario, a majority of the whole number of each House of Congress may waive the requirements of a balanced budget amendment.

The United States has engaged in only five declared wars, yet the United States has engaged in hostilities abroad which required no less commitment of human lives or American resources than declared wars. In fact, our Nation has been involved in approximately 200 instances in which the United States has used military forces abroad in situations of conflict. Not all of these would move Congress to seek a waiver of the requirement of a balanced budget, but Congress should have the constitutional flexibility to provide for our Nation's security.

Section 5 of the amendment provides that total receipts shall include all receipts of the United States except those derived from borrowing. In addition, total outlays shall include all outlays of the United States except those for repayment of debt principal. This section is intended to better define the relevant amounts that must be balanced.

Mr. President, the future of our Nation's economy is not a partisan issue. Furthermore, the problem of deficit spending cannot be blamed on one branch of Government or one political party. Similarly, just as everyone must share part of the blame for our economic ills, everyone must be united in acting to attack the growing problem of deficit spending. I recognize that a balanced budget amendment will not cure our economic problems overnight, but it will change the course of our future and lead to responsible fiscal management by our National Government.

Mr. President, I received a letter from former Senator William Proxmire, dated May 18, 1992. I ask unanimous consent that the letter be printed in the RECORD following my remarks.

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

WASHINGTON, DC,
May 18, 1992.

Hon. HOWELL HEFLIN.

DEAR HOWELL: When I left the Senate, I said that I would not be coming back to lobby my colleagues on pending legislation. I did not and I do not now intend to make a second career out of wielding influence on the legislative process on behalf of any particular industry or interest group.

I have chosen, however, to make a single exception to this general rule. I am writing today to urge you to support S.J. Res. 18, a proposed amendment to the Constitution to require a balanced federal budget.

Our situation has, indeed, become dire. As the annual federal deficit continues to grow, and the total national debt soars out of control, a greater and greater portion of our national budget now goes to pay interest on that debt. The numbers are virtually incomprehensible. How much debt is the $4 trillion that the United States owes to bondholders around the world? The money must ultimately come from the American taxpayer, and the debt comes out to $16,000 for every man, woman and child in America.

This cannot continue. The Balanced Budget Amendment to the Constitution has become a necessity. When S.J. Res. 18 comes to the floor for consideration, I ask you to support it.

Sincerely,

WILLIAM PROXMIRE.

Mr. DOLE. Mr. President, is my leader time reserved?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 2794 and S. 2795 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, I reserve the remainder of my time.

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

THE UNCED BIODIVERSITY CONVENTION

Mr. WIRTH. Mr. President, this morning, I shall take a few minutes to begin a series of statements that I intend to make this week on the U.N. Conference on Environment and Development [UNCED] beginning in Brazil tomorrow.

The Earth summit, as it has come to be known, will be the most important environmental meeting, and perhaps the most significant international gathering of any nature, in our history. It is imperative that we understand what is at stake as the nations of the world gather to confront what I believe is a major ecological crisis.

We, in the United States, stand with all nations of the world at a crossroads. There is a growing realization that civilization has encountered a defining moment in its history.

Because humanity has gained unprecedented power to disrupt the web of ecological services that make life—all life—possible, we are now faced with choices that will determine the well-being of our descendants and of the globe for generations to come.

For the first time, we recognize that we are a profound force on the global environment. That is what the Earth summit is all about—reconciling our power to alter the global environment with our ability to reason and to create opportunity for the future.

We cannot continue activities that doom not only our ability to provide an acceptable quality of life for ourselves, but threaten even our continued existence and the existence of the majority of God's creation. We simply cannot continue business as usual. It is unsustainable. Nowhere is this more evident than in terms of what we are doing to the land around the globe. We are systematically destroying forests, soils, and species.

The issue of land degradation can be divided into separate but interdependent problems: the destruction of soils, deforestation, desertification, and the loss of biodiversity. Many of my colleagues have read in the media recently about the treaty on conserving biological diversity. This convention has been negotiated by the nations of the world to address each of these issues, on a nation-by-nation basis, by promoting the protection and sustainable use of entire ecosystems.

Past patterns of unrestrained exploitation and development has led to a alarming crisis, which is explicitly recognized by the biodiversity treaty that nations are trying to agree on in Brazil.

Unfortunately, the United States, for various reasons, has said it would not sign this treaty and I am hopeful as my remarks will indicate that the United States may come around and that we may be able to develop a way in which the United States can agree and can lead the world as the world expects us to lead.

We are losing productive lands to rampant clearing of forests, soil productivity is dropping and soil erosion increasing, semiarid and arid lands are turning to desert from overuse, species are disappearing from the planet at approximately about 1,000 times the normal rate, a patch of rain forest disappears every second.

Reversing these trends is not a luxury, it is a necessity. Human beings, by sheer numbers and technological ingenuity, have gained the ability to disrupt entire regions and indeed the global environmental balance. Eastern Europe provides a profound example of what awaits those who disregard all environmental consideration in blind pursuit of economic considerations. And while economic activity can have important impacts on the environment, the environment is also an important component of economic development. Again, Eastern Europe is a powerful example. As the nations of Eastern Europe seek to attract investment and develop free market economies, they are finding environmental decay to be a powerful obstacle for locating new businesses. Many businesses simply do not want to locate where profound pollution exists.

Similarly, economic prudence demands that we conserve and nurture our soils and forests to maintain these building blocks of our economic, social, and physical livelihood.

The extent of what we are doing to the land has become very clear in recent years. The signs of global ecological decay are all around us. Just a few months ago, the U.N. Environment Program reported that since the end of World War II, 10 percent of the world's soil has been destroyed through deforestation and poor land management. On a global basis we are now destroying 25 billion tons of topsoil annually. Soils which take decades to develop are being ruined each year.

Similarly, tropical deforestation increased 50 percent during the 1980's, to an average of 40 million acres per year. This is particularly disturbing considering that half of the world's species are found in tropical forests. These rainforests function as carbon sinks, removing carbon dioxide—the primary greenhouse gas—from the atmosphere. Preserving forests around the globe will result in benefits manyfold: conserving the richness of biodiversity—the genetic building blocks of life; maintaining climate stability and the predictability of global weather patterns; and maintaining the ability of nature to cleanse the air and water we depend on for life.

I welcome the President's initiative—announced yesterday—on protecting forests around the globe. It is a step forward. But the President must understand that leadership begins at home. We cannot call on the Brazilians or others to protect their native, mature forests while at the same time allowing the continued destruction of our own ancient forests and endangered species at home. That is an unreasonable and inconsistent position. The President needs to reconcile his international policy with his domestic policy.

Desertification, a third trend in our assault on the land, is the process by which arid lands are transformed into desert through various factors including human activity and climate variations. Desertification is a silent crisis, affecting as it does more than one-sixth of the world's population and one-quarter of the total land area of the planet. Occurring primarily in the developing world, poverty is the most widespread and pernicious cause of this troubling trend.

And while we are destroying species, cutting down forests, and turning land into desert, we are also witnessing an explosion in population—a rapid growth in the numbers of human beings who depend on the natural resources we are denuding. The world's population has doubled to 5.4 billion and is projected to double again sometime around the middle of the next century. How can we continue to destroy our land and resources and hope to feed and clothe all these new people?

Uncontrolled population growth will doom every hope of stable economic development in the Third World, and every initiative to combat poverty and hunger worldwide. It also will bring increasing pressure to bear on international security, as impoverished peoples—environmental as well as economic refugees—begin moving to regions with food, hope and the promise of fulfilling basic human needs. Ignoring this situation condemns not just nature, but humanity as well.

Increasing international recognition of the global environmental crisis provided the impetus for the U.N. Conference on Environment and Development, scheduled to begin this week in Rio. The force driving the UNCED process is the clear and widely recognized need to link economic and environmental pursuits.

The goal is to structure future development in such a way as to prevent irreparable damage to the Earth's life-sustaining ecological systems, whose vast and complex natural processes we depend on for our survival.

And so it was with great expectation and hope that the UNCED process was begun in 1990. Through a series of preparatory meetings, it was hoped that leadership would be provided to establish a global partnership to protect our land resources and employ them in sustainable development.

As these negotiations have progressed, I have been struck by the tremendous power of the United States. Many in our country despair of our fu-

ture. Some fear that we are in a period of protracted decline. To me, the UNCED process has reaffirmed our immense power. The world is looking to us for leadership. If the United States sets a course, the world will follow. Unfortunately, our lead has been too timid, and so has been the result.

Again last week, I was saddened to learn of President Bush's decision not to sign the important draft biological diversity treaty—which relates directly to the issues of land loss I have been discussing this morning. The biodiversity treaty as an important first step in an international process designed to confront the continuing and unsustainable assault on the Earth's lands. This treaty—and others on forests and global climate change—while not as comprehensive as the situation may warrant, will begin a process toward addressing our most pressing environmental challenges and mark the beginning of an era of sustainable development.

The Draft Convention on Biological Diversity has as its objective the conservation of the planet's biological diversity of the planet and the sustainable use of genetic resources. The treaty recognizes that the conservation of biodiversity is a common cause for us all and that each nation has a responsibility to ensure that its activities do not damage the global commons.

Our negotiators have expressed concern with some provisions of the treaty. U.S. concern with the treaty arises primarily from sections that address the protection of intellectual property rights. During the treaty negotiations, our negotiators argued for a separation of the treatment of technology accompanied by an inherent intellectual property right and technology with no such a right.

The administration—legitimately, I believe—felt that adequate protection for intellectual property rights and of the commercial benefits which may be gained from the use of genetic resources was essential. This is consistent with our position in the Uruguay round of talks on the General Agreement of Tariffs and Trade, or GATT, negotiations which are also underway. The developing nations argued that the developed world has an obligation to share the tools necessary to achieve sustainable development, and that patents and property rights should not be used as barriers to technology transfer.

A second issue in the negotiations has been the treatment of benefits arising from the promising expansion of biotechnology. I have long argued that instead of looking at global environmental protection as an economic hurdle, we must also look for the economic opportunities that will emerge as we confront—as we must—unsustainable ecological trends. And when looking for opportunities, there may be no greater example than that of the pharmaceutical and biotechnology industries of which we can be proud of in this country.

So what are the economic opportunities coming out of a biodiversity convention, Mr. President? Today, chemical compounds whose origins can be traced to tropical rain forests generate more than $40 billion in economic activity. Pharmaceuticals are more than a $100 billion market. Looking to a more environmentally sound future, we can see that biological diversity begs for economic creativity and entrepreneurial activity.

American pharmaceutical companies can be leaders in prospecting the rain forests of the world for plants with promising commercial values.

The world's largest pharmaceutical company, Merck, announced last fall a joint agreement with Costa Rica's National Institute of Biodiversity to screen plants and insects found in the Costa Rican rain forest for chemical compounds that might be used for drugs.

This is the first step in an effort to link U.S. biotechnology/bioengineering capabilities with the genetic capital of the natural world. The developing nations are naturally concerned that they share in any commercial successes related to the exploitation of genetic resources derived from plants and animals found in their countries. That is a perfectly legitimate position, in my opinion. The benefits of genetic prospecting should be shared, and I regret that the administration is reluctant to signal this important new era of cooperation.

Elimination of the profit motive can be a strong disincentive to the protection of the world's biodiversity. Just as we need to protect patent rights to create incentives for biological conservation, so too must we promote economic incentives for the nations that house our genetic inheritance with a motive for protecting these treasures.

Again, I respect the administration's views on the elements of the biodiversity convention that may counterproductively discourage private enterprise from moving in this direction. With leadership, however, we might have been able to protect property rights while ensuring that developing nations are rewarded for their contribution to resource development. Unfortunately, that did not occur.

Therefore, these concerns—together with other issues related to the obligation and means to channel funding for sustainable developing to the developing world—have resulted in a flawed agreement. But while it is flawed, it should be signed.

Instead of narrowly focusing on these flaws, we need to consider the larger issue at stake, which is the promise that the UNCED process offers for continued international cooperation, not only in commercial enterprises such as chemical prospecting but in fashioning global responses to a wide variety of global problems.

When 160 nations negotiate an agreement, no single nation will consider the final product ideal. That is why the agreement contains provisions to amend its content as developments warrant. If we do not take up that challenge, if we do not sign this agreement, the entire treaty will be diminished. We are that important to this process.

Despite its flaws, the draft biodiversity convention can provide a sound foundation for the work of reducing loss of biodiversity, deforestation, and desertification. Should the United States refuse to sign, as the President has stated is his intention, a historic opportunity will have been lost.

During negotiations on the climate change convention, the United States was able to gain acceptance of a position that most of the rest of the world thought was something less than was ideal or desirable. They agreed to a flawed convention knowing of the importance of gaining agreement on the start of an international process for the nations of the world to confront a threat to all of humanity.

For this same reason, the United States should sign the biodiversity convention with the intention of improving its workings over time. To refuse to do so condemns humanity to a delayed entry in the battle to care for all life, to harness the economic opportunities that await discovery, and ultimately we run the risk of condemning ourselves to the effects of mass extinction of biologic capital.

Conserving biodiversity is not just about saving a national symbol, or establishing animal reserves. Its about maintaining the natural systems of the Earth that support all life. These systems purify the water we drink, recycle and balance the atmosphere we breathe, maintain the fertility of our croplands, and provide our food and medicine for our use. The rich and diverse genetic library of the world's life—the irreplaceable bounty of nature—is our gift. It would not be wise to squander it.

The whole point of the Earth summit, and of the biological diversity convention, is to arrange prudent and necessary economic development in a way that is both mindful of the needs and requirements of civilization and the natural world.

Unless we protect the world's natural systems, our efforts to improve our quality of life and standard of living will be undermined—and doomed to failure. But if we refuse to use the Earth's bounty prudently—in a sustainable fashion—we deny our children a future. The preservation of the globe's soils, forests, and species are that important and must engage us all.

Mr. President, I ask unanimous consent that various materials related to this subject be printed in the RECORD.

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

[From Time magazine, June 8, 1992]

MAKING THINGS HAPPEN IN RIO

(By Thomas E. Lovejoy)

This planet—once described by Lewis Thomas as "hanging there in space and obviously alive"—is showing disturbing vital signs. The symptoms include accelerating deforestation and loss of species, and growing atmospheric pollution by greenhouse gases and the ozone-eating chlorofluorocarbons (CFCs). The full list is familiar. The causes are rooted in our growing numbers and the complexities of society's interaction with the natural world upon which we depend.

This week the largest international meeting in history, let alone just on the subject of the environment, will convene in Rio de Janeiro, replete with 100 heads of state and a cast of tens of thousands. Some would assert that just having the meeting represents progress, but there is every reason to wish for and expect more. Fortunately, it is no longer possible that it will be naught but an environmental Woodstock or an enormous black hole for diplomatic talent and energy. With a last-minute flurry of negotiation possible, it is as yet unclear how much progress will be made with earth's daunting problems.

The difficulty with the issues is not only their scale and urgency but also the way in which all that is wrong or perceived wrong with the world can in some way be linked with environment. It is not surprising to see old issues such as North-South inequities arise in new guises. Now the debates are about who is responsible, who pays and how much, as well as access to resources whether natural or intellectual. There is an urgent need to move beyond finger pointing. The truth is that almost no nation is environmentally innocent, and all countries—whatever the extent of their responsibility—have a vested interest in solving the problems.

No organism can exist without affecting its environment. Lions dine on gazelles. A growing tree will shade out sun-loving herbaceous plants. All organisms excrete wastes. So the question facing the Earth Summit and humanity in general is not whether to affect the environment or not, but in what ways.

The need is not just for restraint but also for creativity. There are opportunities for economic growth that bear the environment in mind. There is money to be made in efficient use of resources and in new technologies that make it possible. This intriguing and encouraging message—that environmental sensitivity is an essential element of competitiveness—comes from the Business Council for Sustainable Development, which includes CEOs of many prominent corporations.

An interesting piece of sustainable development is already emerging unheralded from the intersection of biotechnology and biological diversity. Pharmaceutical companies already reap huge sales from this or that wild and wonderful molecule discovered in the natural variety of plant and animal life. Natural or genetically enhanced organisms aid with environmental cleanup. A CFC-eating bacterium was recently found in sediments of the Potomac River. A basic laboratory for biotechnology and diagnostic medicine uses a heat-resistant enzyme derived from a bacterium native to Yellowstone hot springs. Upward of nearly $100 billion of annual economic activity is generated at this intersection of biotechnology and biological diversity. The potential is staggering, and it is easily sustainable because it is usually not necessary to destroy the biological resource to benefit from the particular desired molecule.

Ironically, at the very moment that biotechnology is opening the door on an era during which humanity can benefit from biological diversity as never before, and when that potential is an important segment of the sustainable development that the world requires, various activities, particularly habitat destruction, are elevating species extinctions to something like 1,000 times the normal rate. The choice is therefore not between economic activity and environmental luxury, as some have viewed biological conservation, but rather between maximum and diminished potential for economic return. Joint ventures in tropical nations to which they bring their genetic capital, and companies in industrialized nations bring technological capital, would provide serious incentives to protect biological diversity.

The Earth Summit has been billed as the environmental crossroads for humanity. Indeed, many are concerned that environmental problems are so large that they soon may pass a point where anything significant can be done. Of all problems none is more irreversible than the extinction problem; every time a species is lost unnecessarily, a 3.5 billion-year lineage comes to a halt.

It is hard to assess how much can actually be achieved at Rio. But it is clear that there will be plenty to do afterward, and it is not too soon to think about how new strategies might be most effectively pursued. Certainly we cannot depend on periodic mechanisms like the Earth Summit, which manage to be both ponderous and convulsive at the same time. There is a need for an interim continuing structure like the Security Council within the United Nations. An alternative might be a voluntary mechanism like the Group of Seven meetings, but one that includes some of the major developing nations and would therefore be more likely to produce recommendations acceptable to the broader sweep of countries. Looking beyond Rio should not get in the way of achieving as much as possible at the Earth Summit, but a focus on the future is a critical piece of the agenda.

(Thomas E. Lovejoy is assistant secretary for external affairs at the Smithsonian Institution.)

[From the New York Times, Mar. 5, 1992]

DRUG INDUSTRY GOING BACK TO NATURE

(By Andrew Pollack)

Skin of frog, venom of spider and saliva of leech. Ingredients for the witch's brew at the beginning of "Macbeth"? No, they are potential sources of drugs.

The pharmaceutical industry is going back to nature, scoring the oceans for algae, the soil for fungi and the jungles for plants, insects and beasts that might provide chemicals to fight cancer, AIDS and other diseases. Such chemical prospecting could also provide an economic incentive for preserving rain forests and endangered species, conservationists and drug company officials say.

The resurgence of interest in such natural sources is surprising because biotechnology was supposed to have ushered in the age of "rational drug design," in which drugs would be formulated using scientific principles, doing away with the need to rely on Mother Nature.

Instead, biotechnology has produced techniques that allow drug companies to screen tens of thousands of substances a year in an attempt to find just one that will fight disease.

"The testing procedures have become like factories," said Dr. John H. Fried, vice chairman of the Syntex Corporation and president of its research division. "You can run a lot of products through."

Syntex signed an agreement last year under which science academies in China will supply it with up to 10,000 plant extracts a year for testing. SmithKline Beecham has hired Biotics Ltd., a young British company, to supply it with hundreds of plant extracts each year from the jungles of Ghana and Costa Rica.

The National Cancer Institutes which dropped its natural-drug screening program in the early 1980's, resurrected it a few years ago. It collects nearly 4,000 plant samples each year around the world, plus thousands more samples of marine organisms and microorganisms.

Biotechnology companies are also working with natural-drug sources. Natural Product Sciences Inc. of Salt Lake City and Cambridge Neuroscience Inc. of Cambridge, Mass., hope that spider venom, which can paralyze the spider's prey, will yield drugs for human brain and nervous-system disorders.

Xenova Ltd., a new British company, has assembled a library of more than 20,000 fungi and microorganisms that it screens and allows other drug companies to use.

Some promising drugs isolated from natural sources are already in development. Cor Therapeutics, a South San Francisco biotechnology company, is testing a drug to prevent unwanted blood clots. If found the drug by screening the venom of 70 species of snakes. Other companies, including Biogen and Ciba-Geigy, are developing anti-clotting compounds modeled on agents used by leeches, which are known for their blood-sucking ability.

Magainin Pharmaceuticals of Plymouth Meeting, Pa., is developing anti-infection agents modeled after naturally occurring molecules found in the skin of frogs.

Drugs can come from seemingly contradictory places. A tree in China known as the tree of joy yields the same anti-cancer drug now being tested by SmithKline Beecham, as another tree in India called the stinking tree.

Not all natural drugs come from exotic jungles. Merck & Company derived the avermectins, which are used to treat river blindness and other infectious diseases, from a microorganism found in the soil of a Japanese golf course.

Drug experts say rational drug design is still the wave of the future, but it has so far proved difficult to design drugs completely from scratch. Millions of years of evolution, meanwhile, have led to the development of many chemical structures that mankind has not even thought of.

AID FROM BIOTECHNOLOGY

Biotechnology techniques, like growing cells in test tubes, have actually spurred the return of natural-product testing by allowing for the design of highly efficient and highly automated tests.

The National Cancer Institute, for instance, previously tested potential anti-cancer drugs in mice that had leukemia, a cumbersome process. Now it grows 60 different types of cancer cells in cultures and can test drug candidates on all 60 types, performing 20,000 such tests a year. Affymax Research

Institute, a company in Palo Alto, Calif., that is owned by Affymax N.V. of the Netherlands, developed a technique that could make it possible to test thousands of compounds in a day.

Genetic engineering has also allowed scientists to clone receptors, which are parts of a cell to which proteins bind, setting off some metabolic process. Drugs often work by binding to a receptor or by blocking something else from binding. So scientists can test thousands of substances to see which bind to receptors associated with a particular disease.

"We can set up very specific screens we couldn't do before," said Randall Johnson, director of biomolecular discovery at SmithKline Beecham.

USE OF ROBOTS IN TESTING

Ligand Pharmaceuticals, a biotechnology company in San Diego, has synthesized or licensed receptors for several types of hormones. Using robots and technicians, Ligand has already gone through half of the 110,000 compounds in the library of Pfizer Inc., a drug company with which it has an agreement, searching for chemicals that bind to the receptors. The company also tests natural marine substances obtained through a scientist at the Scripps Institute of Oceanography nearby.

Screening for drugs this way is like looking for a needle in a haystack, only worse, because finding a usable substance is only the first step in producing a drug.

"You are not expecting to find something you can put into a bottle and sell to a pharmacist," said William A. Scott, senior vice president for exploratory and drug discovery research at Bristol-Meyers Squibb.

A plant extract, for instance, might contain thousands of compounds, which then have to be laboriously separated to see which is responsible for making the extract noticeable in the screening test. In addition, the natural substance often has to be modified to make it safer or more effective, or to make it capable of being manufactured.

The search for natural drugs does not automatically mean riches for those involved. The collection end, in particular, involves lots of work for low pay.

Take the case of Spider Pharm in Black Canyon City, Ariz., a mom-and-pop business run by Charles and Anita Kristensen that collects spiders and sells their venom to drug companies. When interviewed in January, the Kristensens had 40,000 to 50,000 spiders on hand, representing more than 20 species, most of them stashed in little plastic cups in their garage.

MILKING A SPIDER

Milking is laborious work. The spider is anesthetized with gas and a tube is stuck beneath its fangs. Then the spider is given an electric shock, which prompts the release of venom. All the while, the spider's mouth is suctioned clean to prevent vomit from contaminating the venom.

Each milking might produce as little as a millionth of a liter. Not surprisingly then, venom is expensive. The venom of black widow spiders can run $15,000 a milliliter.

Despite the high prices, however, Spider Pharm has run up huge debts, Mr. Kristensen said. Indeed, as he spoke, he was preparing to pack his arachnids and move to Pennsylvania to take a job helping the American Cyanamid Company develop insecticides from natural sources. He and Mrs. Kristensen plan to maintain the spider farm, however.

A POSSIBLE ROUTE TO PROFIT

A better route to profit might be to make natural products in large quantities. Foraging for jungle plants or milking spiders might be fine for obtaining small samples for testing, but it will usually be impractical as a way of producing large volumes needed when a drug reaches the market.

Calbiomarine Technologies Inc., a tiny company in Carlsbad, Calif., hopes to use aquaculture to grow marine organisms and harvest drugs from them. An initial candidate is an anti-cancer compound in clinical trials that comes from tiny marine invertebrates.

Aquaculture, says the company's president, Janice Thompson, is bound to be more economical than the current method of collection—sending divers to scrape the animals off rocks or the undersides of ships.

[From the Environmental Defense Fund, Friends of the Earth, Audubon, National Wildlife Federation, Natural Resources Defense Council, Sierra Club, Washington, DC]

KEY ISSUES AT THE EARTH SUMMIT

BIODIVERSITY CONVENTION

An international agreement to conserve and manage the planet's imperiled species, genetic resources, and ecosystems has been drafted, and may possibly be signed at the Earth Summit. It is intended to protect the large proportion of the planet's biological resources which remain unprotected by the existing patchwork of international laws and conventions. But the agreement lacks key provisions for incentives or commitments.

Like the climate change convention, the biodiversity convention is being developed in a negotiating process that is parallel to the Earth Summit but separate from it. Final negotiations on the treaty, which are being organized by the United Nations Environment Programme, are now ongoing in Nairobi, Kenya. Among the questions that were still to be resolved in the biodiversity treaty negotiations as they commenced were those that dealt with biotechnology, financial assistance for developing countries, failure to address marine diversity, compensation for resources taken from a country, and the threat of global warming to biological resources.

As expected, the United States continued to call for changes in the already weak text to eliminate provisions potentially affecting U.S. business practices, especially those of the biotechnology industry, or U.S. law. The latest report indicates that a key outstanding issue is the question of whether the convention should contain a provision on global lists of species and protected areas, which apparently the United States and a number of developing countries are opposing.

CAPE '92 RECOMMENDATIONS

1. Financial resources should be made available to assist developing countries in efforts to establish and manage protected areas.

2. "Hot spots" in need of immediate protection should be identified.

3. Technical expertise should be provided to assist developing countries in sustainable forest and protected area management.

4. Subsidies for natural resource extraction should be eliminated.

[From the Washington Post]

PROTECTING THE EARTH'S GENETIC LIBRARY

(By Rodger Schlickeisen)

As we approach the landmark United Nations Earth Summit to be held next month in Rio de Janeiro, the media seem single-mindedly absorbed with the treaty to reduce global warming. But another treaty on the Rio agenda is equally vital to global well-being and is quietly gaining momentum. This is the proposed Convention on Biological Diversity.

Although present treaties protect some elements of biodiversity, they fall far short of comprehensive conservation of genetic resources. Nor do they cover related issues of use, ownership, funding and the transfer of technology developed from biological resources. Global guidelines for protection of the world's "genetic library" are sorely needed.

Mustafa K. Tolba, executive director of the U.N. Environment Program, has shepherded such a proposal for several years. But no one thought it had a chance of being ready for Rio until a breakthrough in negotiations last February. The document that evolved from these meetings is one of the most comprehensive conventions ever drafted. If strengthened and adopted, it could greatly increase the protection of our biological heritage.

But as so often happens with the United Nations, the negotiation process has now turned into something of a soccer game, with the developed countries (which often are "species-poor") on one side and the developing countries (often "species-rich") on the other, booting the ball back and forth with no one scoring any points. The United States wants continued access to genetic resources of other countries without assuming specific legal and financial obligations for genetic preservation. Many developing countries want to profit from biotechnological products derived from species within their borders, including breakthrough medicines and new crop varieties, while asking developed countries to bear the lion's share of the costs. Up to now, these products have usually been developed by Western nations or companies, patented and then sold back to the countries of origin at a profit.

Both of these views smack of unenlightened self-interest. The draft treaty is a hodgepodge of provisions advocated by the two sides, and efforts have been made to water it down to a vague and meaningless initiative that would have no significant benefit for wildlife. An internal memo in Vice President Quayle's office targeted the strongest provisions of the agreement for weakening during negotiations last week in Nairobi. The administration's team was partially successful. The final Nairobi draft agreed to on Friday lacks important provisions. Even so, there is concern that President Bush may not sign the treaty in Rio.

The United States should be prepared to support the treaty both legally and financially with the following principles in mind:

First, the primary goal of the treaty must be the conservation of biological resources. Sustainable use is a worthy aim, but to hinge the existence of thousands of species purely on their economic benefit to humankind falls far short of the necessary prescription for a healthy global ecosystem. It should be made clear that each nation that signs this treaty accepts the responsibility of conserving its own biological resources. Congress and the president could set an example of other countries by approving biodiversity legislation pending in Congress.

Second, preliminary drafts called for the creation of global lists of endangered species and biologically important areas. While the treaty should protect unlisted areas and species as well, these lists could help identify those needing immediate attention. Earlier drafts also included assistance to countries

in managing these areas and protecting their species. At the insistence of developing nations, listing was dropped from the Nairobi agreement. The United States should work for the introduction of a listing system.

Third, the agreement should affirm a fundamental tenet of international environmental common law: that a nation is responsible for actions under its control whether within that nation's boundaries or outside them. This seems obvious. No nation has the right to harm the natural heritage of another. Preliminary drafts required environmental impact statements and other steps to avert adverse environmental impacts. Yet U.S. negotiators successfully opposed inclusion of language in the Nairobi agreement that would make countries responsible for damage done outside their borders. This is not altogether surprising, since in the Supreme Court case Lujan V. Defenders the Bush administration argued to keep from requiring federal agencies to obey the Endangered Species Act on projects overseas. A decision in the case could come before the meeting in Rio begins.

Finally, finding the money for programs is always contentious, but unless the United States and other developed nations commit new funding to help developing countries meet the terms of the treaty, the convention will have little impact where it is needed most.

As negotiators argue over questions of national sovereignty and biotechnology, they should keep in mind a universal truth that transcends national self-interest. No generation has the right to squander the heritage of those that will follow. We have the incredible opportunity to help ensure that this won't happen. A strong Convention on Biological Diversity would be one of the best legacies we could leave.

(The writer is president of Defenders of Wildlife.)

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

The Chair will advise the Senator from Ohio the period for morning business will expire at 10 a.m.

EXTENSION OF MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the period for morning business be extended for 10 minutes and the Senator from Ohio be recognized for that 10-minute period.

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

At this point Mr. ROBB assumed the chair.

REGULATORY POLICY

Mr. METZENBAUM. Mr. President, I rise today to express grave concern about the Bush administration's regulatory policy. It is well known to Americans, from their junior high civics lessons, that Congress passes laws and the President signs them. But what they did not teach you is the little known fact that the President has the ability to frustrate the will of Congress and the American people through the regulatory process.

Regrettably, since January the Bush administration has pursued this objective with a vengeance. This deregulatory binge may be an effort to line the pockets of the President's business supporters. He may owe them an obligation. It may be an effort to salvage the President's reelection campaign in the face of a dwindling national approval rating. But whatever the motivation, one thing is clear: The American people are paying the price.

The story begins last January when the President announced in his State of the Union Message that he was imposing a 90-day moratorium on all proposed regulations. The moratorium was to be coordinated by Vice President QUAYLE's Council on Competitiveness, and no new regulations were to be approved unless they would promote economic growth.

Vice President QUAYLE greeted this announcement with glee, telling the business community: "Now is your chance. Come and tell us which regulations and rules are burdening the business sector." In other words, here is your license, business community, to do it your way, not necessarily the right way.

No similar pronouncements were made with respect to the American consumer, the American working people, the American senior citizens, the children of America. But for the business community Vice President QUAYLE says here is your chance, come and tell us which regulations and rules are burdening the business sector.

The President told us that this regulatory moratorium was good for the Nation because it would help promote economic growth and end the recession. Come on, Mr. President. Who are you kidding? The American people do not accept that. Nobody accepts that. You yourself know it is not a fact.

Well, it may be that the business community will, in fact, reduce some regulatory costs. But the President neglected to tell us that these savings would come at the expense of the health and safety of the American people. For it is the American people that are paying for this moratorium, in the currency of death, injury, and illness.

According to Public Citizen and OMB Watch, which have carefully monitored the regulatory moratorium, some 43 health, safety, and environmental regulations have been delayed as a consequence of the moratorium. Another three health, safety, and environmental regulations have been issued—but in weakened form. And three health, safety, and environmental regulations have been killed outright.

I ask unanimous consent that a list of affected regulations be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. METZENBAUM. First let us take a look at the impact of this policy on American workers. Using the Department of Labor's estimates, suspending the regulatory agendas of OSHA and MSHA—that is the Occupational Safety and Health Administration and the Mine Safety and Health Administration—suspending it for 90 days would cost 293 lives and 1.3 million workplace injuries and illnesses. Those are the Department of Labor's own estimates.

The Secretary of Labor said she would not do anything as part of the moratorium to endanger the health and safety of American workers. But she told her staff in January that the moratorium review would involve "considerable staff time," and that her staff should conduct the review "even if other efforts have to be slowed." As the Secretary clearly understood, the moratorium will inevitably eat up precious resources and slow the regulatory process.

What that means, plain and simple, is that more American workers will die waiting for their Government to do what the Government is required to do by the laws of the United States.

Mr. President, I know that not too many Americans are lying awake at night wondering about the Bush-Quayle moratorium. But a lot of workers ought to be losing sleep over this. Let me give you an example. OSHA has been formally considering a "confined spaces" standard since 1975.

Now to the average American, a "confined spaces" standard are just words. It means nothing unless it happens to affect you.

This regulation would protect workers from toxic gases when working in confined areas—such as storage tanks—without adequate ventilation. OMB has studied the standard a number of times, including one review that lasted 2½ years, from December 1986 to April 1989. Since the time OSHA began formal consideration, by its own estimates, 884 workers have died and another 59,000 have been injured in accidents that could have been prevented if the proposed standard were in place. Those are the Department of Labor's own figures, and 17 years later, it still has not been adopted.

The Secretary of Labor said last fall that this standard would be out in February 1992. Hooray. But along came the regulatory moratorium, and lo and behold, the Secretary now says the regulation will not be issued until October. And you can bet all the tea in China they are not going to be issued 1 month before the election. By the Department of Labor's own calculations, this additional 8-month delay will result in 34 deaths and another 2,352 injuries.

Only statistics, only numbers, unless it is your son, or your daughter, or your father, or your mother.

Between now and October, your son or daughter, your brother or your sis-

ter, your father or your uncle may die in a confined spaces accident that would not have happened if the rule was in effect.

Earlier this month, a young woman named Diane Clodfelter told the Labor and Human Resources Committee about how her 20-year-old brother, Homer Dwayne Stull, died in a confined spaces accident last year at a Kansas meatpacking plant. Homer was asphyxiated by toxic fumes while cleaning a filtering screen inside a blood vat. Two other workers jumped in. They died trying to rescue him. These deaths, which occurred 16 years after OSHA began consideration of a confined spaces standard, could easily have been prevented. As Diane Clodfelter so eloquently put it, "How many more workers must die before the Government finally lives up to its responsibility to protect workers?"

But the story gets much worse. In March, during the second month of the moratorium, the President's Office of Management and Budget blocked the adoption of health standards for 6 million construction, maritime, and agricultural workers. OSHA estimated that the proposed rules, which were adopted for most other industries 3 years ago, would prevent over 30,000 occupational illnesses annually.

But OMB declined to review and approve the proposed rules. Its theory was that added regulatory costs result in lower wages and fewer jobs, which might have a negative impact on workers' health. In short, OMB's reasoning was that less protection saves lives. What a ridiculous, farcical, and cynical explanation.

Just think about it. Every year, over 10,000 American workers die on the job, tens of thousands more die of occupational disease, and another 1.7 million suffer disabling injuries. Studies estimate that up to 80 percent of these incidents could be prevented with existing technology. Does the President want to tell these workers and their families that they need less not more, protection?

Shortly after OMB's announcement, I sent a letter cosigned by 11 other Senators asking the President to order OMB to rescind its directive and allow the Department of Labor to issue the proposed regulations. OMB responded by resuming review of the proposed regulations. But OMB says it will continue to pursue this absurd "less protection saves lives" analysis in this and other rulemakings.

I must also ask, How is this moratorium supposed to promote economic growth? A 1991 report by the Rand Institute, certainly no liberal, leftwing, new little group—the Rand Institute estimated that the cost of workplace injuries to employers, employees, and taxpayers amounted to $83 billion in 1990. Significantly, the Rand Institute concluded that 62 percent of these costs—over $50 billion—are born by business and by taxpayers. Delaying protective regulations will cause more injuries and illnesses, at an even higher total cost. That will not promote economic growth.

Ironically, the only regulation the President has been pushing this year in the name of protecting American workers is one that would increase unions' reporting costs tenfold. This would not save a single life, or a limb, or an eye. But once again, it pleases the business interests that want to keep their boots on the back of the necks of American workers.

Of course, the moratorium has not just affected worker safety regulations. Under the Clean Air Act Amendments of 1990, Congress required the Environmental Protection Agency to issue regulations by November 15, 1991, to set up a permit system for environmental polluters. But these regulations have still not been issued. And last week, Vice President QUAYLE and his probusiness Competitiveness Council interceded on behalf of the business community and persuaded the President to weaken substantially the proposed regulations, over EPA's objections. Who bears the cost of those delays and obstructions? The American people, who are breathing in millions of pounds of poisonous toxins that are released into the air each year by utilities, oil companies, and factories.

In the Nutrition Labeling and Education Act of 1990, Congress required the Food and Drug Administration to issue food labeling protections. These regulations will provide consumers with complete and accurate dietary information, so they can reduce their risk of diet-related disease. By the FDA's own estimates, these regulations will have enormous health benefits for Americans, and will prevent thousands of deaths and tens and thousands of cases of coronary heart disease.

But sorry, America, you will have to wait for them, because last week the President's Secretary of Health and Human Services told the Senate sponsors of that 1990 legislation that the FDA will allow a 9-month extension for the entire food industry. Public Citizen and OMB Watch estimate that this delay will result in 1,858 deaths and 7,552 cases of cancer and coronary heart disease. Once again, the President's deregulatory accomplishment comes at the expense of the health of American families.

The moratorium has affected pesticide regulations as well. EPA concluded that a certain fungicide represented a "probable human carcinogen," and proposed banning the use of the chemical on 45 food crops. As part of the regulatory relief agenda, EPA changed its position by cutting that ban back to affect only 11 crops. That means American consumers will be buying 34 types of produce that may have been treated with a "probable human carcinogen." Vice President QUAYLE listed this as one of the President's greatest deregulatory achievements.

The President even killed regulations to put warning labels on dangerous children's toys. Children's toys; can you believe it? It is incredible. The Consumer Product Safety Commission specifically found that mandatory labeling "is expected to save children's lives." But the President decided we did not need that regulation, and that killing it would somehow promote economic growth—maybe at the cost of children's lives. Even if that were true, is that how we as a nation want to pursue economic growth, at the expense of our own children?

The President claims his regulatory moratorium will save American billions of dollars. The administration has yet to substantiate one dollar of that figure. What is clear, however, is that it does not include the cost of deregulation in human lives and in the health of American citizens.

But there is even more. Last month, the President announced that he was extending the regulatory moratorium for another 4 month. He said, "During the next 120 days, I expect many more gains for freedom." He is so right—Americans will be free to inhale polluted air; our working men and women will be free to be killed, injured, and crippled by disease on the job; and our children will be free to play with hazardous toys that could kill or maim them.

For another 120 days, let freedom ring. That is the President's position.

I ask you, what are they thinking about over at the White House? Are they thinking only politics? Where is the humane aspect of this administration? Have they no compassion? Have they no concern for the lives that can be saved? Have they no sense of common decency? Have they no common sense?

The President has children and grandchildren. The Vice President has children. Is there not any concern for children? For People? For working people? For the health of the people of this country?

The President's moratorium makes no sense as a matter of policy. It is an absurdity. But it also raises serious constitutional issues. Article 2 of the Constitution obligates the President to "take care that the laws are faithfully executed." But the President's moratorium seeks to block the execution and implementation of dozens of regulatory statutes passed by Congress. Even if few regulations are officially delayed, the diversion of resources for the required review of all existing and proposed rules frustrates the will of Congress as expressed in countless laws.

The President has an obligation to enforce the law. I question the legal

right of the President to suspend a regulation that has been duly enacted under the normal procedures and pursuant to the laws of the Congress. This Senator does not believe that the President has that authority. But this Senator recognizes that court processes take more than 3 months or 6 months or a year and nobody could challenge, within a reasonable time, the President's acts. So they become effective.

When Vice President QUAYLE says "we want the Federal bureaucracy to be far more responsive to us, our desires, than [to] Congress," he reveals his ignorance of the President's obligation to faithfully execute laws passed by Congress. If the President can halt regulations for 7 months, what is to stop him from doing it for his entire term of office?

Over 150 years ago, in Kendall versus U.S. (1838) the Supreme Court ruled that the obligation imposed on the President to see that the laws are faithfully executed does not imply any power to forbid their execution.

Ultimately, the American people should be most troubled by the President's regulatory policy because of its complete lack of accountability. This principle is one of the most fundamental hallmarks of our democratic system of government.

As a general rule, executive branch agencies are held accountable for their actions because their rulemaking proceedings are made public. But few Americans know that OMB and Vice President QUAYLE's Council on Competitiveness have secretly undone countless statutory mandates, at the behest of the business community. The regulatory moratorium has only widened this accountability gap, and threatens to breach the trust placed in this Government by its citizens.

In sum, I am very worried—and I believe the American people have a right to be worried—that the President's policy may represent a conscious effort to subvert the will of Congress.

This President talks about law and order. This President, in this Senator's opinion, is not obeying the law in permitting the regulatory process to move forward.

In the past 5 months, the President has acted more like a monarch than a Chief Executive. But however we characterize his actions and his motivations, one thing is certain: This deregulatory frenzy comes at the expense of the American people.

It may not necessarily affect the people the President knows personally—it may not harm a soul that the Vice President has ever come in contact with.

But if the President and Vice President are truly caring and compassionate men, then they will understand that the pain and the suffering they are causing is very real indeed—and they will end this dangerous charade.

Mr. President, I yield the floor.

EXHIBIT 1

SELECTED REGULATIONS AFFECTED BY THE REGULATORY MORATORIUM

Updated April 22, 1992.

OMB Watch and Public Citizen originally released the following list of regulations on January 24, 1992, in anticipation of the President's 90-day regulatory moratorium. Here is an update of the status of each regulation at the conclusion of the 90-day freeze, as well as the status of additional regulations not included on the original list.

WORKER SAFETY—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Recordkeeping and Reporting Injuries and Illnesses; Fatality/Catastrophe Reporting—requires employers to report work-related injuries, illnesses, and deaths to the state or federal OSHA. Delayed.

Permissible Exposure Limits (PELs) to Hazardous Chemicals for Agriculture, Construction, and Maritime—sets an exposure limit for workers in the agriculture, construction and maritime industries. Delayed, weakened.

Confined Spaces—prevents death and injury from work done in confined spaces (such as manholes). Over the past 16 years—the amount of time this standard has been delayed—560 people have died and 85,000 have been injured working in confined spaces. Delayed.

Ergonomics—protects workers from repetitive motion injuries and sets standards for a healthy office environment. Delayed.

Worker Protection from Exposure to Hazardous and Toxic Chemicals—several regulations would protect workers from chemicals such as Glycol Ethers, Methylene Chloride, Formaldehyde, Asbestos and Cadmium. Delayed.

Standards for Logging—sets safety standards for workers in the logging industry. Delayed.

Respiration Protection—update of standard that protects workers from respiratory illness (current standard does not reflect state-of-the-art). Delayed.

Safety and Health in Longshoring—protects longshoremen from injury, standard on books now has not been updated since 1960. Delayed.

Personal Protective Equipment—would apply to general industry; calls for proper equipment to protect the eyes, face, head, and feet of workers. Delayed.

Welding in Shipyards—sets safety standards for shipyard welders. Delayed.

Storage and Handling of Hazardous Materials—sets standards for handling of hazardous materials. Delayed.

Employer Safety Belt Responsibility—requires employers to provide safety belts in vehicles and helmets for motorcyclists. Delayed.

Farmworker Safety—would set requirements for employers to have vehicle liability insurance to cover migrant and seasonal workers. Delayed.

Industrial Accident Prevention—would require industry to put in place measures to reduce toxic chemical accidents, which, in 1989, caused more than $700 million dollars in property damage. Delayed.

Definitions of Mixed Hazardous Waste—would ensure that wastes containing hazardous constituents be correctly handled and monitored. Weakened, delayed.

Onboard Controls for Motor Vehicles—under the Clean Air Act, this rule would require auto manufacturers to install a canister in all new cars to catch pollution-causing hazardous vapors that escape into the air during refueling. Killed.

AUTO SAFETY—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Newborn Infant Test Dummies—would improve real world testing for the safety of newborn infants and very young children. Delayed.

Seat Belt 'Lockability' to Secure Child Safety Seats—requires that safety belts lock to hold child seats securely in place. Delayed.

Elimination of Defective Seat Positions—prohibits manufacture and sale of child safety seats that are dangerous when adjusted in certain seat positions. Delayed.

Automatic Brake Adjustment for Large Trucks—to improve truck brake maintenance and operation for trucks and semi-trailers over 10,000 pounds. Delayed.

Public Lands Visitor Safety Belt Use—to require safety belt use on federal recreational lands in states that do not have a mandatory seat belt law. (This regulation is promulgated by Department of the Interior.) Delayed.

Child Restraints Registration—would improve communication to parents about defects or recalls of child restraints that they've purchased. Delayed.

Daytime Running Lights—would increase visibility of cars in low light, at dusk and dawn, or in poor weather conditions. Delayed.

Pedestrain Head Impact Protection—would reduce severity of head injuries to pedestrians struck by motor vehicles. Delayed.

HUMAN SERVICES—DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Child Care—regulations implementing two new laws passed by Congress last year. One provides child care subsidies for working families "at risk" of needing welfare; the other sets out standards for day care providers and funding. Delayed.

Nursing home reform—enforces quality of care standards, including resident's rights and nurse staffing. Delayed.

Patient Dumping—would prevent hospitals from denying treatment to patients in emergency conditions and to women in labor because of inability to pay. Delayed.

HOUSING HEALTH AND SAFETY—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Lead-based paint poisoning prevention—seeks to eliminate lead-based paint poisoning in HUD-associated housing, which causes detrimental health effects in children. Delayed.

Protection for Farmworkers from Unfair Labor Practices—would confirm standards under which agricultural employers may import foreign temporary workers, so that such a practice will not lower U.S. labor standards for things such as housing, transportation, and safety. Delayed

CONSUMER HEALTH AND SAFETY—FOOD AND DRUG ADMINISTRATION (FDA)

Safe Medical Devices—these regulations are designed to assure that medical devices entering the market are safe and effective and that the FDA learns quickly about faulty devices and has the authority to remove them from the market. Delayed

Over-the-Counter Drugs—FDA is reviewing over-the-counter drugs, from cold remedies to diaper rash and weight control products, to make sure that ingredients are both safe and effective. Delayed

Infant Formula Quality Control, Testing, and Record-Keeping Requirements—would strengthen existing record-taking require-

ments, including the results of testing for microbiological contaminants and consumer complaints. Also, would ensure safer manufacturing practices and testing of infant formula for essential nutrients. Delayed

Orphan Drug Amendments—regulates the production and approval of drugs for the treatment of rare diseases and conditions and provides incentives for companies to develop these drugs, which are expensive to produce. Delayed

Salmonella—would protect consumers from eggs contaminated by salmonella enteritidis. The Center for Disease Control estimates that 80,000-800,000 people are stricken with salmonella-associated illnesses every year. Delayed

Physical Restraints—would prohibit use of physical restraints in nursing homes and hospitals without a physician's prescription. Delayed

FOOD SAFETY—U.S. DEPARTMENT OF AGRICULTURE

Nutrition labeling for meat and poultry—would require better labeling of foods containing meat and poultry, a policy akin to FDA's massive overhaul of nutrition labeling of all other foods. Delayed

ENVIRONMENTAL PROTECTION—ENVIRONMENTAL PROTECTION AGENCY (EPA)

Worker Protection from Agricultural Pesticides—would protect farmworkers from exposure to dangerous pesticides. Delayed

Pesticide Restrictions—EPA has announced several pending actions on pesticides, including restrictions on the cancer causing EDBCs, widely used on fruits and vegetables. Weakened

Biotechnology—these regulations, which would set health and safety standards for products of biotechnology, have been delayed for years. Weakened

Pollution Prevention—would expand the public's "right-to-know" by requiring manufacturing facilities to report their efforts to reduce hazardous emissions to the EPA. Delayed, possibly killed

Ground Water Monitoring—protects ground water from hazardous waste contamination at hazardous and solid waste landfills. Delayed

Community Development Block Grant Funded Code Enforcement—federal grants used by localities to ensure the health and safety of housing occupants. Delayed

PRODUCT SAFETY—CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Small parts on children's toys—would require warning labels on certain toys, balloons, marbles, etc. Between 1980 and 1991, 186 children died from complications associated with small toy parts. Killed

MINING AND ENDANGERED SPECIES—DEPARTMENT OF THE INTERIOR

Subsidence Surface Mining—would prevent mining that causes the ground to cave in, taking homes, water supplies and anything else on it with it. Killed

Endangered Species Act—to qualify for full protection under this law, the Fish and Wildlife Service must list animal and plant species threatened by extinction, but since the moratorium began, not a single endangered species has been listed. Delayed

CONSUMER BANKING PROTECTION

Federal Reserve Board:

Truth in Savings—new law designed to properly inform consumers about their savings accounts. For example, requires banks to report accurate interest rates. Issued

Federal Deposit Insurance Corporation (FDIC):

Replenishing the Bank Insurance Fund—so that banks, and not taxpayers will be paying for their own bailout, the Federal Deposit Insurance Corporation (FDIC) is drafting a schedule for banks to pay back the $70 billion loan from the government. Delayed

Office of Thrift Supervision (OTS):

Security Sales at S&Ls—would prohibit sale of securities by S&Ls in order to prevent scandals like the Lincoln Savings & Loan bondholder scam. Delayed

Comptroller of the Currency:

Insider Dealing—would protect banks and depositors from insider dealing. Delayed

EDUCATION—DEPARTMENT OF EDUCATION

Vocational Education—provides guidance to states to ensure that disadvantaged youth have access to vocational education. Delayed

CAPT. WILLIAM PINKNEY'S HISTORIC SAIL

Mr. KENNEDY. Mr. President, it is with great pleasure that I rise today to commend Capt. William Pinkney. On June 9, 1992, when Captain Pinkney sails into Boston Harbor, he will become the first African-American to have sailed alone around the world by way of the difficult southern route.

As a sailor myself, I can begin to appreciate the task Captain Pinkney set for himself, as he risked the treacherous seas of the southern oceans and bypassed easier shortcuts through the Suez and Panama Canals. This inspiring adventurer and his remarkable voyage have become symbols for thousands of children, helping teach them to reach for ambitious goals and to persevere in pursuit of their own dreams.

Raised on the southside of Chicago, William Pinkney was educated in the public schools, served in the Navy, and built a business career as a marketing executive, before deciding at age 50 to act on his dream to circumnavigate the globe by sailboat.

Captain Pinkney began his journey on August 5, 1990, when he sailed from the Charlestown Navy Yard aboard his 47-foot cutter, the *Commitment*. His voyage has taken him around the five great capes of the world and to ports on five continents, including Bermuda, Uruguay, South Africa, and Tasmania.

Captain Pinkney has not been content to meet only the challenges of the open sea. Throughout his voyage, he has shared his experiences with over 1,500 schoolchildren in the Greater Boston area through the Boston Voyages in Learning Program.

Voyages in Learning, which uses marine themes to present a broad range of subjects such as environmental science, mathematics and geography, has incorporated Captain Pinkney's trip into the curriculum of 20 Boston-area elementary and secondary schools. Students have followed the captain's progress with pins on a map and had letters waiting for him at various ports along his route. In his return letters and in meetings with students during a trip back to the United States in 1991, Captain Pinkney has used sailing as a metaphor to encourage students to set goals and to meet them with courage, confidence, and commitment.

Through his devotion to Boston's schoolchildren, Captain Pinkney has become an important role model who has touched many lives. His courageous voyage has earned him a permanent place in our country's maritime history, and I ask the Senate to join me today in recognizing this truly heroic American.

MIND EXTENSION UNIVERSITY

Mr. BURNS. Mr. President, as my colleagues are aware, I have long been supportive of expanding access to education for our Nation's citizens through the use of advanced technology. Given my interest in this area, I would like to share with my colleagues how four Americans will have succeeded on May 15, 1992, in obtaining their masters of business administration [MBA's] degrees from Colorado State University, without ever stepping foot on the campus.

Through the use of a 24-hour cable television channel devoted solely to direct instruction, educational programming, Mind Extension University, the Education Network, delivered the academic courses necessary for the following individuals to become the first Mind Extension University graduates to earn their MBA's while in their own homes. Tracy Smith of Homer, AK; Patti Hoffman of Tulsa, OK; Bob Foley of Windsor, CT; and Christ Broz of Sausalito, CA.

Since these individuals "attended" classes by watching programming delivered via cable television, when they accepted their degrees on May 15 at Colorado State University, at Fort Collins, CO, it was the first time they had set foot on that campus.

Although all four students had different reasons for electing to obtain an advanced degree through distance education, they all cited one of the most important benefits—flexibility. Mind Extension University provided the instructional programming that enabled these individuals to fulfill their academic requirements without a commute, while at the same time affording them the opportunity to create a schedule to accommodate a family, job, and way of life.

For Tracy Smith, a 25-year-old accounting supervisor at a local utilities company, Mind Extension University offered the only option for earning an MBA without having to move from Homer, AK, 225 miles south of Anchorage. This would have entailed finding a new job, new friends, and a place to live. Fellow graduate Patti Hoffman, from Tulsa, OK, needed an academic program with enough flexibility to meet her time-intensive career and family responsibilities.

Bob Foley, who will also be receiving his degree on May 15, viewed Mind Extension University as an opportunity to earn an advanced degree while balancing the demands of a job as a financial systems analyst with the U.S. Postal Service in Windsor, CT, with the time he desired to spend with his wife and children.

Independent business consultant Chris Broz, from Sausalito, CA, decided at the age of 41 that he needed to develop further his business skills in order to compete with professionals of the younger generation. Mind Extension University provided a way for him to accomplish his objectives while allowing him to continue to gain practical experience from his job.

Through Mind Extension University these students completed the same rigorous program as their on-campus classmates. The Colorado State University MBA Program, which is fully accredited by the American Assembly of Collegiate Schools of Business, develops fundamental skills in a range of marketing specialties, including accounting, finance, organizational structure, and human resources management. Students are required to complete 33 credit hours and then must choose between three options to receive their degree: a comprehensive examination by a student's committee, a thesis, or a professional research paper.

In addition, applicants for the MBA degree program must meet the admission requirement of Colorado State University. Students register for courses, order textbooks and course materials; access information on credits, schedules, grading procedures, policies, prerequisites, and tuition, and inquire about fees by calling the Mind Extension University Education Center.

Communication with professors takes place through a special 800 number set up at the beginning of each course. In several instances, an electronic bulletin board offers interaction with classmates. Moreover, students must fulfill the same requirements as their on-campus counterparts, including writing papers and taking tests, which are monitored by a proctor.

Founded in 1987, Mind Extension University, the Education Network, is the country's leader in distance education—so named because students can watch lectures that are transmitted to them via cable, satellite, or video cassette while they remain at home, or at a distance from the instructor. Today, the Network delivers undergraduate and graduate courses and degree programs to more than 18 million homes nationwide.

Mind Extension University demonstrates how advanced technology can be utilized to expand access to quality education. Through its academic degrees programs, such as the MBA available at Colorado State University, the Masters of Arts in Education Technology at George Washington University and others, ME/U is helping Americans develop the skills necessary to meet the challenges of the 21st century.

As we talk about those issues in this body, we must now plan to make those policies necessary to advance these kinds of activities to all Americans across this country.

It is very important, and I think that, probably, the real worth and real mission of government when it comes to serving the people.

Mr. President, I yield the floor.

RECOGNITION OF KENTUCKY'S BICENTENNIAL

Mr. FORD. Mr. President, it gives me great pleasure to recognize the 200th anniversary of the Commonwealth of Kentucky as Statehood Day was celebrated across Kentucky yesterday. June 1, 1992, marked the date 200 years ago when President George Washington signed the proclamation admitting Kentucky as the 15th State of the Union.

As the statehood celebration culminated yesterday, I would like to take a moment to reflect back on the evolution of our great State over the years and also recognize the outstanding efforts by those who have so diligently prepared Kentucky for her bicentennial. The members of the Kentucky Bicentennial Commission and the citizens themselves have given tirelessly to prepare the many events and celebrations across the State this year and I commend them for their hard work and dedication. I would also like to take this opportunity to thank my colleagues here in the Senate for their help in securing passage of Senate Joint Resolution 61, which declared June 1, 1992, Kentucky Bicentennial Day.

Mr. President, as a former Governor of Kentucky, I have always found special enjoyment in exploring and celebrating in our State's history. When Daniel Boone and other frontiersmen led expeditions through the Cumberland Gap in the late 1700's, they discovered a world of unmatched beauty and potential. The land attracted the interest of explorers and settlers alike, and many chose to stay and call it home. But that was far from an easy task.

The territory we now know as Kentucky was cherished by Virginians as well. However, the population was increasing at a rapid rate and the people's attitude toward Virginia was changed by neglect and their own concerns of freedom and safety from possible attack. The daughter of Virginia was growing up and the struggle for statehood began.

The early Kentuckians were headstrong in their pursuit of statehood and liberty. The majority of the delegates from western Virginia—which would soon be Kentucky—opposed the Federal Constitution at the Virginia Convention in 1787. This original Constitution did not guarantee the individual liberties sought by patriots in the struggle for independence. Nevertheless, this objection was historically significant in that it contributed to the adoption of our constitutional liberties, the Bill of Rights, in 1791. The protest led to statehood for Kentucky and promoted a new free spirit to meet future conflict.

Kentucky was the first to take a stand for its citizens rights. The Kentucky Legislature responded to the people's demands in the Kentucky Resolutions, which were authored by Thomas Jefferson. This document reaffirmed a system of checks and balances established in the Constitution for the protection of individual liberties and called for the repeal of the Alien and Sedition Acts. To me, this dedication to freedom and independence characterizes the passionate nature of the early Kentuckians as they began to mold the State.

In the years that followed, our pioneer farmers made the fields of Kentucky bloom, turning the State into one where agriculture has become the economic mainstay. Today, we are proud to be the Nation's second ranked tobacco producing State and the Nation's largest producer of both burley tobacco and bourbon whiskey. In addition to our vast agricultural resources, our State finds herself as one of the largest producers of coal.

In Kentucky, we like to think there is room for all, either in agricultural pursuits, mining, the horse industry or other business. Our State is even home to a few famous political figures. Ironically, Kentucky was the birthplace of the Union President Abraham Lincoln, and the Confederate President, Jefferson Davis. The two great men were born in log cabins within 1 year and 100 miles of each other. We are also proud to call Kentuckians such prominent contributors to our Nation's history as Henry Clay—the "Great Compromiser" and three-time Presidential candidate, President Zachary Taylor, and four Vice Presidents, Richard M. Johnson, John Cabell Breckinridge, Adlai Stevenson, and Alben Barkley.

In short, Kentucky's rich history of outstanding accomplishments and constant hospitality is attributable to the past contributions of such prominent individuals and to the continued dedication of hard-working families in every corner of our great State. Mr. President, to me the essence of Kentucky can be summed up in the words of the great Kentucky author Jesse Stuart, who once said, "If our nation can be called a body, then Kentucky can be called its heart."

Mr. President, as the Kentucky bicentennial celebration continues to

spread its enthusiasm across the State, I would like to take this opportunity to encourage all Americans to visit Kentucky. Our State is home to beautiful mountains, lakes, trees and farms and maintains one of the Nation's most outstanding State Park systems. As we all were recently reminded last month, Kentucky also boasts as the home of the thoroughbred horse industry and the world's most celebrated horse race, the Kentucky Derby. Whether you enjoy the many activities available or the quiet countryside, the quality of life in Kentucky is unsurpassed.

Over the years, I have learned one thing about our citizens—they are proud of our State, proud to be called Kentuckians and never miss a chance to demonstrate our Kentucky pride and heritage to others. There is energy and excitement that cannot be matched. From the smallest town to the largest cities, the people of Kentucky are pausing to look back to the accomplishments of the past as they prepare for the bright and promising future. I hope others will join me in celebrating our bicentennial this year.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 474, which the clerk will report.

The bill clerk read as follows:

A bill (S. 474) to prohibit sports gambling under State law.

The Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional and Amateur Sports Protection Act".

SEC. 2. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) 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, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§ 3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the particular scheme actually was conducted by that State or other governmental entity prior to August 31, 1990;

"(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

"(A) such scheme is authorized by law; and

"(B) a scheme described in section 3702 (other than parimutuel animal racing or jai-alai) actually was conducted in that State or other governmental entity during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of that State or other governmental entity; or

"(3) parimutuel animal racing or jai-alai.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure ..... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection ..... 3701".

The PRESIDING OFFICER. Under the order, the time is controlled. The Senator from Arizona [Mr. DECONCINI] and the Senator from Utah [Mr. HATCH] control 60 minutes on the bill; the Senator from Iowa controls 30 minutes on the bill; one amendment permitted with time equally divided between the proponents and opponents.

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I yield myself whatever time is necessary.

MODIFICATION OF COMMITTEE AMENDMENT

Mr. DECONCINI. Mr. President, directed by the committee, I modify the committee amendment to S. 474 as follows: In lieu of the committee amendment, insert the following, and I send it to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the Committee substitute insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional and Amateur Sports Protection Act".

SEC. 2. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) 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, Palau, or any territory of possession of the United States.

"§ 3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or any other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§ 3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

"(2) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

"(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

"(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity; or

"(3) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure ..... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection ..... 3701".

Mr. DECONCINI. Mr. President, I am pleased that the Senate is now considering S. 474, the Professional and Amateur Sports Protection Act.

This bill serves an important public purpose, to stop the spread of State-sponsored sports gambling and maintain the integrity of sports in America, our national pastime.

Under the bill, States would not be allowed to sponsor, authorize or license sports lotteries or any other type of sports betting that is based on the outcome of professional or amateur games.

State authorized sports gambling threatens to change the nature of sporting events from wholesome entertainment for all ages to devices for gambling.

It threatens to undermine public confidence in the integrity of professional and amateur sports.

Furthermore, State sanctioned sports gambling will promote gambling among our Nation's young people.

Teenage gambling-related problems are increasing throughout the Nation. Of the approximately 8 million compulsive gamblers in America, 1 million of them are under the age of 20.

Teenagers gambling on State lotteries and sports is just unacceptable. Governments should not be in the business of encouraging people, especially young people, to gamble.

Dr. Lorenz, the executive director of the National Center for Pathological Gambling, in her testimony before my Judiciary Subcommittee, clearly summarized the problem. She noted that "sports are uniquely attractive to young people. A sports lottery not only teaches youngsters how to bet on sports but would also encourage them to bet on sports. The knowledge that children would acquire through sports lotteries would quickly lead to illegal sports gambling as they would discover the greater odds of winning and payoffs and not paying taxes on them."

STATUS

During the hearing held on this bill last year the testimony presented as well as additional letters and materials included in the RECORD, clearly established the need to prevent States from placing their stamp of approval on sports betting.

Senator BRADLEY from New Jersey testified from his personal experience as a major league basketball player about the difference between their player's game and the gambler's game, and how "there is a value to sports that goes far deeper than the gambler's game." He made a compelling case in favor of this particular bill. I want to thank him for his participation and strong support, as well as the time he took to testify before our committee.

The subcommittee also heard from football, basketball, baseball, hockey about their concern that without this legislation sports would turn into a device for gambling rather than the wholesome family entertainment it is today.

Mike Singletary, middle line backer for the Chicago Bears stated,

When I go out on the football field to play the game of football, which I love so dearly, one of the things I want to know, and I almost need to know, is that all 11 guys out there on the field are thinking about one thing, and that's winning the football game, giving their best on every play, going out there to do the very best they possibly can. When you add the gambling issue, I really feel that you are going to present problems that eventually and inevitably will ruin the game.

The Senate Judiciary Committee on November 21, agreed that this legislation was needed and approved the bill by voice vote.

Support for the bill is very strong. There are 62 cosponsors, including my colleagues on the Senate Judiciary Committee Senators HATCH, SIMON, THURMOND, SPECTER, SIMPSON, and BROWN. I want to thank Senator HATCH for his strong support of this. This bill would not be here today if it were not for his leadership.

Numerous public interest groups, State legislators, Governors, college presidents, sports teams, and individuals have expressed their support for this bill.

NEED FOR LEGISLATION

Many States are looking for ways to raise revenue and legalizing sports betting is the latest fad. With the U.S. budget deficit raging at almost $400 billion, I can sympathize with the problem facing State treasuries. However, legalizing sports betting is not the answer, no matter how noble the cause.

As articulated by Dr. Lornez during the hearing on this bill "the desire of government for added revenues and the profit motive of the gambling industry must be tempered with social concern and accountability. Compulsive gambling among our young people is already a serious problem, and we need to work together to prevent it from becoming a national tragedy."

Thirty-two States and the District of Columbia have State-sponsored lottery games. This bill would not interfere in any way with the approximately $8 billion in annual net revenues these lotteries are already providing for lottery States.

The problem this bill seeks to prevent is the spread of sports gambling. All 32 States have considered or are reviewing the possibility of a sports theme for their lotteries. It is the cumulative effect that State sponsored sports betting could have on sports that is the real fear that motivates this bill.

In the broader sports gambling area, Florida, California, and a number of other States are considering a wide variety of State sponsored gambling schemes. Some would allow sports gambling on river boats, others would take bets on sports at off-track betting parlors, still others propose casino style sports books.

Law enforcement authorities have told me time and again that legalizing sports betting will not reduce illegal betting. Why? Because you can get credit, better odds and not pay taxes on your winnings when you bet with the local bookie. What they do tell me

is legalizing sports betting may have the opposite effect and increase illegal betting. Why? Because legalized gambling broadens its appeal and teaches you how to bet. Then you look to bookies for credit, better odds and no taxes on winnings.

STATES RIGHTS ISSUE

Opponents of this legislation argue that legalizing sports gambling is a question of raising State revenues and should be left to the States.

I disagree, Mr. President. Sports gambling is not a benign revenue source. It tarnishes sports contests, converting them from family entertainment into vehicles for wagering. It diminishes the function of athletes as role models for young people. It creates a pervasive atmosphere of suspicion about honest misplays and human error.

Sadly, memorable sports gambling scandals have created a justifiable public demand that sports authorities police their games carefully, supported by the moral authority of the law. State sponsored sports gambling would significantly undercut these efforts.

Gambling and lotteries are already subject to Federal regulation and this legislation is meant to be consistent with and clarify existing Federal law and policy. In 1965, Congress made it a Federal crime to fix or attempt to fix a sporting event. A 1975 criminal code amendment provides that State lotteries cannot involve "the placing or accepting of wagers or bets on sporting events or contests.

Unfortunately, this has not been interpreted to prohibit sports lotteries.

S. 474 is a civil enforcement bill which will reaffirm Congress' commitment to protect the integrity of athletic competition.

Furthermore, the interstate nature of sports clearly demonstrates the appropriateness of Congress addressing this issue.

The answer to State budgetary problems should not be to increase the number of lottery players or sports bettors, regardless of the worthiness of the cause. The risk to the reputation of one of our Nation's most popular pastimes, watching professional and amateur sporting events, is not worth it.

STATE EXEMPTIONS

The intent of the legislation is not to interfere with existing laws, operations, or revenue streams. Therefore, it provides an exemption for those sports gambling operations which already are permitted under State law.

Some Members have raised concerns about providing such exemptions in this bill. I understand these concerns, but feel there are overriding reasons for providing the exemptions.

All of the States which are grandfathered by the bill have laws authorizing some type of sports betting scheme. Nevada has its sports books, Oregon has a sports lottery on football games, and Delaware conducted a sports lottery in the past and still has a law on the books.

It has recently come to my attention that Montana also has legalized certain forms of sports betting. For years, Montana has permitted sports pools and calcutta pools. In 1991, they passed new legislation that allows for fantasy sports leagues and sports tab games. These are limited-stakes sports wagering games played in bingo parlors.

Because of this new Montana law, the committee substitute before us today changes the effective date of the grandfather to cover those gambling schemes authorized prior to October 2, 1991.

Let me make it clear that the grandfather provision only allows those States that have sports gambling authorized by State law to continue to do what they are doing now or could do under State law.

For example, Nevada could not conduct a sports lottery and Oregon could not introduce other forms of sports betting.

What this bill will do is stop the spread of sports gambling and the threat that gambling will spoil all the games involved.

GAMBLING ON INDIAN LANDS

Since the law we are proposing today is a clear Federal prohibition on sports gambling it should apply to Indian gaming. This is consistent with the intent of the Indian Gaming Regulatory Act.

The Indian gaming law requires this to occur specifically. Therefore, my bill includes the proper references to the Indian gaming laws.

CONCLUSION

I urge my colleagues—Senator HATCH has done so well this morning—to support this bill and that we stand against the spread of State sports betting. I do not think it is a good thing for the country, a good thing for our youth, or a good thing for the athletic events, whether it be professional or collegiate.

We must address the problem of sports gambling, which threatens the integrity of and public confidence in amateur and professional sports. This bill will solve that problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I thank and compliment the distinguished Senator from Arizona for his leadership on this issue. It has been a pleasure to work with him on so many issues, but I do not think there is anything that has brought more downright satisfaction than voting together and fighting together on this particular issue because it is so important.

The distinguished Senator from Arizona has spend his time and effort bringing this to the floor, managing to get the cosponsors, as I have done, and I believe this bill is going to pass and I hope it passes intact. These are important principles he is talking about. These are important principles for our country. These are important principles for our young people.

I personally admire Senator DECONCINI and his leadership in so many ways but especially on this particular bill. So I am pleased that we are turning to the Professional and Amateur Sports Protection Act, S. 474. Both of our staffs have worked long and hard to get this bill to the floor. I want to thank Senator DECONCINI's staff Karen Robb, Janis Long, and Dennis Burke. Others have worked very hard on the Judiciary Committee and in the House of Representatives as well to bring this bill forward.

As Senator DECONCINI mentioned, Senator BRADLEY is an authority on this issue, and I think ought to be listened to. I have great respect for him. I loved him as a basketball player and admired him through the years, as an old basketball player myself, and have great respect for him, not only as a basketball player but as a U.S. Senator. He is very strongly behind this bill, as I think are other professional sports people.

The act bars States and their political subdivisions from sponsoring, operating, advertising, authorizing, licensing, or promoting any lottery or gambling scheme that is based directly or indirectly on the games of a professional or amateur sports team. It is that simple. It just basically does away with State-backed gambling.

I think everybody knows I am opposed to gambling. If sports gambling is utilized for revenue, State governments, not just racketeers, will be defrauding the public. Moreover, sports gambling does not produce the long-term stable source of revenue its promoters would like States to believe. Under State-sanctioned sports gambling, the only real winners would be the bookies and the private companies that encourage States to run the games in the hope of administering them.

There is no question, of course, that both legal and illegal gambling is widespread. A State's approval of sports gambling, in my view, poses a special threat to the character of these games. It erodes the good will in the service marks of the teams. And it sends the wrong message to our Nation's youth.

Religious leaders, law enforcement officials, educators, athletes, and sports officials all condemn sports gambling arrangements. The National Football League, the National Basketball Association, the National Hockey League, major league baseball, and the NCAA all support this bill.

Paul Tagliabue, Commissioner of the National Football League, testified in

support of S. 474 on June 26, 1991, in our Patent, Copyrights, and Trademarks Subcommittee. His words are worth noting. He said:

We do not want our games used as bait to sell gambling. We should not gamble with our children's heroes.

Commissioner Tagliabue noted that, in order to avert violations of current Federal law prohibiting the fixing of sporting contests, or attempts to fix sporting contests, the NFL bars anyone connected with the NFL from gambling on NFL games or associating with gamblers.

"Legalized sports gambling threatens all that we have worked for in this respect—and more." He then listed four basic reasons to oppose the spread of legalized sports gambling:

First, sports gambling threatens the characters of team sports. Instead of standing for healthy competition through teamwork and honest preparation, professional sports contests "will come to represent the fast buck, the quick fix, the desire to get something for nothing."

Second, sports gambling undermines the integrity of team sports and public confidence in such sports. "Sports lotteries inevitably foster a climate of suspicion about controversial plays and intensify cynicism with respect to player performances, coaching decisions, officiating calls and game results." Some fans who bet on losing teams will assume the fix was in.

Third, "legalized sports gambling sends a terrible message to youth." Perceptions of athletes are diminished in young minds if they are reduced in stature by being participants, however unwilling, in gambling schemes. State-sponsored sports gambling sends a message to our young people that raising revenue is more important than moral standards.

Finally, Commissioner Tagliabue said, legalizing gambling will encourage gambling by our Nation's youth. Commissioner Tagliabue cited a comment by Dr. Valerie Lorenz, executive director of the National Center for Pathological Gambling, that the increase in gambling by teenagers is linked to the increase in the spread of State lotteries in general. Dr. Lorenz said: "The message they're conveying is that gambling is not a vice but a normal form of entertainment." Indeed, Dr. Lorenz, who is also cochair of the task force on gambling addiction of the Maryland Department of Health and Mental Hygiene and director of the Forensic Center for Compulsive Gambling, also testified before our subcommittee. She said:

[This bill] without doubt, [is] the most positive piece of legislation I have seen in Federal or State government in recent years from the standpoint of stemming compulsive gambling, especially among young people.

She testified that gambling among our Nation's youth has been alarmingly on the rise.

We believe that the spread of State lotteries in the past 20 years has contributed significantly to this problem. For states to establish sports lotteries or to legalize other forms of sports gambling would be to take a bad situation and make it even worse. Many of the victims would be our children.

She said that gambling has become more widespread in our society.

Particularly alarming is the preponderance of younger gamblers—those in their early twenties or thirties—who are now addicted and the rise of gambling, among young single men * * *. The growth of State lotteries undoubtedly has played a significant role in the rise of teenage gambling.

State sports lotteries will lead to a further increase in teenage gambling because our young people are attracted to sports activities.

Mr. President, I could go on. But the bottom line is this: sports gambling is bad for the country. It is bad for our young people. It is bad for everybody. We ought to pass this bill overwhelmingly and send it to the President.

I remember a number of years ago where a nuclear scientist was a member of my faith and of my church, but he was a compulsive gambler. He made a whopping amount of money for that time and place. He loved his wife and children, but he could not control his compulsive gambling. Even though he made more money than anybody in our congregation or anybody that I know of, he was always broke and his family was always destitute because of his compulsive gambling. Magnify that thousands, if not millions, of times over and you start to understand why it is so important for society to take an interest in these important moral issues.

This is an important bill. We should not weaken it. We should not create loopholes in it or delay its implementation. I believe that we ought to pass it intact, exactly as it is, and everybody in this society will be better off; everybody in this society will understand that we do have some restraints on conduct that is important to our society.

This is a matter where almost everybody who is anybody in sports feels very strongly. Almost everybody who is anybody in sports wants this bill to pass.

The Senator from Arizona and myself have worked long and hard, along with countless others, to try to get this to the floor and, hopefully, get it passed this year so that we can prevent some of these problems that we have been talking about on the floor today. I hope we are able to do so. I hope our colleagues will vote for this bill today in overwhelming numbers. I do not think they could possibly be reluctant to do so, and they will have a lot of acclaim from the people who know most about this for having done so.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

AMENDMENT NO. 1857

(Purpose: To provide for certain exemptions to prohibited State activities, and for other purposes)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1857.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 5, line 21, strike out the quotation marks and the last period.

On page 5, insert between lines 21 and 22 the following:

"(c) The provisions of section 3702 shall not apply to any lottery, sweepstakes, or other betting, gambling or wagering scheme in a State which, prior to January 1, 1985, enacts legislation stating that such State desires to be exempt from such prohibition.".

The PRESIDING OFFICER. Under the previous order the debate will be controlled with 1 hour under the control of the Senator from Iowa, and 1 hour under the control of the Senators from Arizona and Utah.

Mr. GRASSLEY. I yield myself such time as I consume at this point.

Mr. President, the Senator from Arizona and the Senator from Utah just gave very good speeches on the subject of the ills of gambling generally and on the ills of sports gambling.

I say amen, except for their willingness to let the evils of sports gambling continue in the States of Delaware, Oregon, Montana, and Nevada. That, Mr. President, is where I part company from the admirable goals of Senator DECONCINI and Senator HATCH and other supporters of this bill because gambling in any form is not something to encourage or to promote.

If this were a bill about banning gambling, I would probably have a different point of view. But that is not what this bill is about. This bill purports to restrict gambling on sporting events by prohibiting certain States from conducting sports lotteries, and it does so by discriminating against many States, including my State of Iowa, and preferring four States.

In my judgment this is not a distriction that Congress should tolerate. And my amendment is intended to correct this deficiency. My amendment will allow States, all States, a reasonable opportunity to declare that they do not want to be covered by this bill's reach. States would have 2 years under the amendment, until January 1, 1995, to opt out of this bill's coverage.

Mr. President, this bill exempts four States from its reach, and those are Delaware, Oregon, Montana, and Nevada. Oregon currently has a sports lottery. Delaware, it is my understanding, has had one in the past. Montana, I believe, allows fantasy leagues based on real sporting events. And, in Nevada, gambling on sports events is perfectly legal. But out there in the remainder of the 50 States, State governments will be excluded from conducting lotteries based on sporting events if this bill becomes law without my amendment. And that will occur despite the fact that 32 States already have some form of lottery, including my own State of Iowa.

Congress often preempts the States from acting in certain areas. We do it where consistency and uniformity require preemption. But I can not recall where we have legislated preemption on a piecemeal or patchwork basis, and that is what we are about to do here. There is no reason that four States should have more power to get themselves exempt from this bill's provisions. This is a very dangerous precedent, one that takes us down a perilous path.

After all, why does Congress have the right to restrict the source of revenues for 46 States, but not for 4 States? This has the potential to undermine our Federal system, and this is something we should not take lightly.

Moreover, it is an issue the courts have looked at with some disfavor.

As far back as 1936, the Supreme Court examined a so-called grandfather clause and struck it down as an arbitrary and discriminatory violation of the Constitution. In Mayflower Farms versus Ten Eyck, the Supreme Court struck down a statute which only permitted milk producers which had been in business before a specified date to avoid the statute's pricing restrictions.

The Court found the pricing law was:

> An attempt to give economic advantage to those in a given business at an arbitrary date as against all those who enter the industry after that date.

It is true that the courts require a showing of only a rational basis to uphold a grandfather clause. But that rational basis must be substantiated by a valid legislative purpose.

It could be a legitimate legislative purpose for Congress to ban gambling to protect the welfare of the people. But that is not what this bill is about. This bill, specifically, openly, and candidly, as stated by the sponsors, favors 4 States and penalizes the other 46.

The third circuit in a 1981 case—Delaware Basin Commission versus Bucks County Water & Sewer Authority—noted:

> Favoritism of this sort might often appear the product of a political arrangement that does no more than favor one interest at the expense of another rather than the result of a reasoned judgment about a socially beneficial policy.

In that case, the appeals court could not find any rational basis for the grandfather clause which exempted from water use charges any withdrawals or diversions which could have been made without charge before the effective date of the Delaware Basin compact.

Likewise, there is no rational basis for letting some well-connected States with sports gambling get away with what the other 46 cannot.

If we are going to legislate in this manner, let us at least give the rest of the States the same opportunity that Delaware, Oregon, Montana, and Nevada have. Let us give the States the chance to opt out. And that is what my amendment would allow.

Mr. President, as I have said, I respect the goals of the proponents of this bill. Successful sports men and women are today's heroes, and they are role models for young Americans.

We do not want the sports world to be tarnished by gambling. We do not want to encourage gambling on sporting events.

But, Mr. President, this bill does not outlaw gambling on sports events. Office pools on football games are a weekly event in the fall. Betting pools on the NCAA basketball championship are a common occurrence. Every spring, people buy and sell baseball players in rotisserie leagues. And the list goes on.

The fact is that this bill will not change those practices one bit.

At least lotteries are regulated and policed by the States. This street gambling goes on without any constraint, unless the police happen to crack down. And with the increase in violent crime, it does not seem that our police forces, having their hands full, and with resources being scarce, are going to do much cracking down on this sort of gambling.

The proponents of the bill assert that sports lotteries create a climate for possible tampering with legitimate play. After all, the lottery pools run into the millions, sometimes tens of millions of dollars. And, the proponents argue that these large pots could provide an inducement to tampering with a game's results.

But I respectfully disagree with this assertion.

You do not have to be a close student of the sports world to be aware of the millions of dollars players are paid in today's market. Any player in a position to throw a game is already receiving a huge paycheck. It is hard to imagine that a player with a multiyear, multi-million-dollar contract would risk throwing it all away to win a lottery.

And while the supporters of this bill are no doubt sincere in their desire to see sports not tainted by gambling, they are somewhat less than pure in their motives in putting this bill forth. After all, lotteries with sports themes will still be permitted. And famous athletes and people connected to them will still be permitted to endorse lotteries, as well as products which do cause harm to young people.

No one can dispute that the proponents of this bill benefit by sports themes and by product endorsements. It is these types of business transactions that further elevate and enhance sporting events.

Mr. President, there is also another point of additional significance and that is the right of Indian tribes to engage in gambling on Indian reservations. Under the Indian gaming regulations, an Indian tribe may engage in certain forms of gambling that are not prohibited by Federal law, provided they enter into a compact with the State government.

Without the adoption of my amendment, Indian tribes will clearly be prohibited from conducting sports gambling. That is the express intent of this bill. My amendment, however, would enable Indian tribes in those States which opt out of the bill's coverage to conduct sports lotteries, provided the Indian tribe reaches an appropriate agreement with the State.

Mr. President, there are many other issues that I would like to discuss concerning this bill, but I think I will approach them during the general debate after my amendment is considered.

I want to merely close at this point by saying that without my amendment this bill discriminates between States that already have this sort of gambling and the other 46 States that will be banned from it. Such discrimination, in my judgment, is just plain wrong and, as I pointed out from two court cases on grandfather clauses, arguably unconstitutional.

My amendment will eliminate that discrimination. It will in a sense say what is good for the goose is good for the gander. If 4 States are entitled to revenues from sports gambling, then the other 46 States should have an opportunity to share in that revenue. If we really believe sports gambling is bad, as I know we do, then we should have a nationwide consistent policy—it should be prohibited in Oregon, Nevada, Montana, and Delaware as well.

Mr. President, it is for these reasons that out of a matter of fairness I urge the adoption of this amendment, and I retain the remainder of my time.

The PRESIDING OFFICER (Mr. SANFORD). Who yields time?

The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I have enjoyed listening to my distinguished colleague from Iowa, and I know he is against sports gambling. On the other hand, if sports gambling is bad and all we can do is stop 46 States from gambling, it seems to me that is a step in the right direction. It is certainly not

a step in the wrong direction. Under his amendment, he would just open up a loophole that any State that wants to could opt out within the next 2 years and start gambling practices.

Now, the four States that are grandfathered-in in this bill are States that have gambling. And, as a matter of just trying to resolve the problems surrounding getting an important bill like this through, we agreed to grandfathering because we had no choice.

It would have been better off to have banned all State sponsored sports gambling. But the least we can do, it seems to me, is stop the trend of such gambling. So we decided to act prospectively, which is about all we can do. I think it is entirely rational to stop the spread of this kind of sports gambling. We have the power to do so under the commerce clause, and I hope we are going to exercise it today.

The amendment by the distinguished Senator from Iowa creates a window of slightly over 2 years in which any State or all of the 46 States may enact legislation which would exempt the particular State or those States from the prohibitions of this bill.

If the underlying premise of the bill is sound, and I think the distinguished Senator from Iowa has said that it is, and I and 61 cosponsors also believe that it is, this amendment must be rejected. The amendment is completely inconsistent with the purpose of the bill. A vote in favor of this amendment is a vote in favor of permitting unlimited State-sponsored sports gambling.

If the abuse of sporting contests through State-sponsored or authorized gambling should be prohibited, it should be prohibited now. This amendment postpones the effect of this bill for slightly more than 2 years.

The amendment creates a window during which States can opt out of coverage under this bill. Under the Grassley amendment, when a State votes to take itself out from the bill's coverage, it preserves forever its right to sponsor State gambling, State sports gambling, if you will.

Of course, sports gambling promoters will press hard to get State legislatures to enact such an opt-out provision. They will urge the States to preserve their options for the future.

This amendment is not a compromise. The bill itself currently represents a compromise by being basically prospective in effect. The bill allows a few exceptions, four States, in carefully circumscribed situations, where such schemes are already provided for. Compromise is frequently necessary around here, of course, in order to enact legislation.

The Grassley amendment, in contrast, renders the bill a complete and total nullity for at least 2 more years, as the battle rages in those 46 States for them to protect their options. As a practical matter, it opens the door to rendering the entire bill a complete and total nullity on a permanent basis.

The amendment, in my opinion, sends precisely the wrong message, namely, that it really is acceptable for States to undertake sports gambling. And I think using the argument that it is only fair since four States, which are already doing this, have been exempted or have been grandfathered in this bill, it is only fair to allow the rest of them to gamble even though we hate gambling, I think that is wrong.

A vote for the Grassley amendment is a vote to gut this bill. The National Football League, the National Hockey League, the National Basketball Association, major league baseball, and the NCAA, all oppose the Grassley amendment.

I urge the defeat of this amendment. If we want to do something about sports gambling we should really get on the ball and change this situation. If we want to stop our teenagers from being grabbed by sports gambling, if we want to stop the decimation of families around this country because of gambling, then we ought to vote for this bill. We certainly should vote for a bill without the Grassley amendment which would open it up for 2 years, and a complete and total debate over the whole country in all of the States, or at least the vast majority of the States, concerning sports gambling.

I would not want to do this to the country. I do not think it is right or fair. And I do not think this is the thing to do, especially if we oppose sports gambling and State sponsorship of sports gambling. I think this is very, very important. This is not some ittybitty bill. It is an important bill and involves the very fiber of our country, our youth, and our families.

The best we can do at this time is to apply this to 46 States and circumscribe narrowly the other 4, which we are trying to do by this bill. Who knows? Perhaps the other four States will have to be revisited at some future time. Right now it is the best we can do, and it is a heck of a good job. It has the support of everybody in organized athletics to my knowledge, and of the major players, and it is right for the American people in whose best interest we all ought to be working.

Anybody who has seen athletes succumb to some of these gamblers, and some of these underworld types, understands what we are talking about. Anybody who has seen close games where large betting has gone on, knows what we are talking about. It is time to face the music and do the best we can. This bill is the best we can do, and I hope we pass it without the Grassley amendment.

Normally, I support my colleague from Iowa in every way. He is a person of great good judgment and good sense and stands up on so many issues in a way that creates a lot of admiration in me. But on this one, I think he is off base.

And, even though I agree he is trying to be fair, it is not fair to the kids, to families, to people in the 46 States that this bill basically applies to, to allow them to have to go through another 2 years of fighting over this issue when we can solve this problem now.

So, Mr. President, I hope we can support this bill without any amendments. In the end, I think we will all be better off and society will benefit from it.

Again, I thank my dear colleagues, both from Iowa and from Arizona, for the work they have done to help us thus far on this bill, and I hope we can go forward to the vote at about 2:15, and pass it in its current form.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa sincerely for his cooperation in bringing this bill to the floor. I understand from working with him for over a year on a particular problem he has with the existing legislation, that he could have been very difficult and we would have had a strong debate here, maybe even going into several days. I appreciate that, and I want the Senator to know that. I do not take that lightly because I understand every Senator has that right and must preserve it at certain times.

As the Senator from Utah said, so often I support the Senator from Iowa. I have to oppose this amendment, and I urge my colleagues to oppose it and to vote against it. If this amendment is agreed to, it will delay the effective date of the bill for 2 years. This amendment is completely inconsistent with the goal of the legislation and would set a very bad precedent in the Congress. States should not be given the choice about whether or not they want to be covered by the law. If it is the public policy that this legislation is necessary, and if it is passed by both Houses and signed by the President, I do not see a justification to let States opt out at their own will.

As the Senator from Utah pointed out, there are 62 cosponsors of the bill. Clearly, the U.S. Senate, at least based on cosponsorship, believes the legislation is good policy. I think we have the votes to pass it.

I hope we have the votes to defeat the amendment of the Senator from Iowa. I believe the amendment would stimulate a rush to State legislatures to enact legislation to opt out from coverage of the bill in order to preserve their option of authorizing sports betting if they decided to do that. That is what we want to discourage. That is what we want to prohibit—not just discourage. Proponents would be able to push such legislation with a great sense of urgency because there would be a deadline—2 years—and the purpose of the bill would be lost.

To prohibit sports gambling on one hand and to approve potential expansion on the other is really inconsistent and, in my judgment, not good policy. The amendment is counterproductive and completely contradictory to the bill's purpose, which is to stop the growth of sports gambling.

I make no bones about it, Mr. President, this bill prohibits sports gambling. The Senator from Iowa is correct, there are four exemptions and they are very carefully crafted to only include those States and only include what the States have specifically, by legislation, been authorized to do. It does not permit those States to expand into other areas of sports gaming that they do not already involve themselves in.

We did that, the Senator is correct, out of compromise. Maybe that is unfair. But, it seems to me, we probably would not even be here today, trying to discourage and prohibit sports gaming, if we had a long, protracted debate on whether we should exempt one State and not another one: One because it is a major industry; one because it is only on basketball and football, and so we should exempt that. And it just was not really worth it.

You are caught with this, perhaps—an inconsistency. What do you do? As the Senator from Utah pointed out, this is a compromise. Except for certain States, sports gaming in amateur and professional sports will be barred. That is what we want to achieve here.

I would like to have it effective on all 50 States but that is not in the cards. We have a chance to pass this bill. We have a chance to see it pass the House and enact it into law.

The House, by the way, has passed a sports lottery prohibition through the omnibus crime bill, H.R. 3371. We went to conference and it stayed in with a modification by one Congressman and that conference report is pending on the Senate Calendar. So if we ever pass the crime bill—which many of us feel is necessary—this would be part of it. So this is what has brought us here today, to enact this legislation so we can proceed with this part of the crime bill that we feel is necessary and has tremendous support.

The Senator from Iowa believes that this issue should be left to the States. I feel strongly that it is not a States rights issue. Sports are our national pastime, not just confined in the geographic area of one State. There is nothing that can harm sports more than to have wholesale gambling on them permitted.

Some States have worked on and had some success with this. The State of Oregon started its gaming, a lottery on basketball and football, in 1989. But it is really questionable as to how much revenue is really taken in. They projected $10 million for 1989. They actually grossed $7 million and netted $2.5 million. In 1990, the actual gross was $7.2 million and the net was $2.4 million. In 1991, the actual gross was $7 million and the net was $1.7 million. I think it is worthwhile to move ahead and permit that State, as small an amount as that is to them, to continue to operate. I do not think it is a violation of our Constitution at all. I think we can justify what we are doing here under the authority vested in the Congress of the United States. I do not think there is any question that we want to discourage and we want to stop sports gambling.

I yield the floor.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume under the 43 minutes I have remaining.

Again, as I stated just a few short minutes ago, this bill has some worthy motives that, and if it provided a nationwide standard affecting all 50 States, I could not find fault with it. But it is because of its selective treatment of some States that I have proposed my amendment.

This bill purports to prohibit the States from allowing lottery and sweepstakes and other betting, gambling and wagering schemes based on a sporting event. There are many good proponents of this bill to whom I would only say that if what you propose is good for the country, then it also ought to be good for Oregon, Delaware, Nevada, and Montana; they should not have these exemptions. We have sports leagues and college athletic associations and others that have stated very worthwhile goals in the advancing of this bill. They have claimed that gambling on sports events has a negative impact on the sports world and it also has a negative impact on our children who look up to our heroes in the world of athletics. Those are assertions that I find pretty common among most people in America.

Gambling is not something that should be encouraged in our Nation. I do not want to take the position of encouraging gambling. Even policymakers in Congress and State legislatures find the need for regulating it as opposed to promoting it. And I hope most States, except perhaps Nevada and one or two others, where it is very much a part of their economy, see it that way.

But I differ with the approach taken in this bill. There is not a prohibition on sports gambling; it is a piece of Swiss cheese. The bill contains loopholes that effectively exempt the States of Oregon, Delaware, Nevada, and Montana. So if sports leagues really want to end gambling on sporting events, they would seek a complete ban nationwide. If the dangers my Senate colleagues and these groups outside the Senate are trying to eradicate pose such a threat, then why can we allow sports gambling in Las Vegas?

The bill in its present form penalizes my home State of Iowa. Iowa is 1 of 32 States which has a lottery, although we do not have a sports lottery. But this bill would prohibit my State—in other words, the policymakers of my State—from doing exactly what has been done in Nevada, Montana, Delaware, and Oregon. I think my State ought to have the right to do that, although I would hope that my State would not authorize sports gambling. But we are denying my State the opportunity for some revenue that these other four States will have.

This bill prohibits my State from expanding our existing lottery to include a sports lottery.

So my amendment creates a window of opportunity for the other 46 States, at least a short period of time of 2 years where the State might make such a determination.

It would give, then, my State of Iowa, as one of these 46 States, an opportunity, and it would allow them to pass legislation stating that the State does not want to be covered by this bill, as the States of Oregon, Nevada, Montana, and Delaware are exempt.

Both of my colleagues stated they would prefer to see it prohibited in all States but that as far as the practicalities of getting a bill passed, it is better to do it for the 46 States.

I think my colleague from Utah was the one who mentioned that this is a step in the right direction because it is regulating what is bad in at least 46 States even if we cannot regulate it in those other 4 States. He is saying that I have one gigantic loophole for 2 years for other States then to exempt themselves. He says that is bad.

But my colleagues have already agreed for one State, the State of New Jersey, to have a window of opportunity that I want to give to all States of the country. And they have not done that through a policy that they have gotten through the Senate, admittedly. But because the Senate has agreed to the House position on the crime bill, and in the House version of the crime bill there was a provision banning sports lotteries except in the States of Nevada, Oregon, Delaware, plus the State of New Jersey.

New Jersey has not enacted a sports lottery bill, just as 46 other States have not. But the compromise that was agreed to by the Senate in accepting the House sports lottery bill as part of the House crime bill gives New Jersey a window of opportunity. And I might add that it is the only State that has that window of opportunity.

Why, if we are going to in this bill exempt Nevada, Montana, Oregon, and Delaware because they already have a sports lottery, and why, if we are going to give New Jersey an opportunity

through the crime bill to pass such legislation—why can't we allow 45 other States the same opportunity?

Now, what is there about New Jersey and about Nevada that would get this sort of attention in the Congress of the United States? Is it not very obvious? I hope it is very obvious. It is because gambling interests are very strong in Nevada and New Jersey, and they are in a position to have a strong lobbying effort to accomplish their goals of exemption.

I suppose it is similar, because agriculture is such an important industry in my State—it is the bedrock of our economy as probably gambling is the bedrock of the economy of Nevada—that farm groups maybe would come to Congress for certain exemptions from some other laws we might pass in that area.

So the proponents of this legislation may criticize my amendment as a big loophole, but it is not different from what they agreed to in the conference report on the crime bill.

Again, this bill singles out four States for preferential treatment, and the crime bill, which includes the sports lottery bill, gives the same preferential treatment also to the State of New Jersey.

As I've said before, what is good for the goose ought to be good for the gander. If the sports lottery business is bad for the country—and I think generally, just from the standpoint of creation of wealth, we all have to agree that gambling does not create any new wealth. You take money out of one pocket and put it in another. But if it is bad for the country, then it seems to me it has to be bad in Nevada, Oregon, Montana, and Delaware as well. And why give New Jersey this window of opportunity to pass sports gambling legislation that would get them in on this game as well?

Well, I think it's fair to assume that New Jersey would probably take advantage of it, since gambling is now a major industry in that State. So, it seems clear to me that we ought to have a consistent policy for our country.

I yield the floor and reserve the remainder of my time.

Mr. DECONCINI. Mr. President, how much time is remaining on the amendment of the Senator?

The PRESIDING OFFICER. The Senator from Arizona has 23 minutes. The Senator from Utah has 23 minutes. The Senator from Iowa has 29 minutes.

Mr. DECONCINI. Mr. President, that is on this pending amendment?

The PRESIDING OFFICER. On the amendment.

Mr. DECONCINI. I thank the Chair.

Mr. President, the Senator is correct to the extent he said the conferenced legislation that was in the crime bill did extend the grandfather clause to New Jersey. But I think it is important to know that it only allowed a 1 year window and is subject to a constitutional amendment being passed by that State and it being implemented within that 1 year.

The bill before us, Mr. President, does not have such an inclusion. New Jersey is not part of this legislation.

Now, we could play games and say, gee, let us just apply it across the board, make it retroactive, and that does not offend me. But if you are from Nevada or you are from Oregon, you would have to fight that, I am sure. It is whether or not we want to stop the spread of sports gambling. I submit it is in the public interest to do just that.

Let me, while I have a moment, Mr. President, show you how some of the leagues feel about this bill. They are concerned about the penetration of gambling as to both the image and the reality of what could happen. This poster illustrates the point that we do not want to see the spread of sports gambling. This poster was put out by the NFL, the National Hockey League, and the National Basketball Association to demonstrate there is a move on their part already to eliminate and discourage gambling, not just in lotteries but in anything else.

Here is another one. "Are we teaching them about fast breaks or fast bucks?"—indicating let us not gamble on sports.

Now, we know there is always going to be gambling on sports. There is no way we can stop that. I am not suggesting that this bill is going to stop that. But we can discourage it. We can prohibit it being sponsored by the States. The revenues are so insignificant it just does not make good sense to me.

Mr. President, the Senator from Iowa makes an argument that this bill is not fair. Well, the world is not always fair, I must admit, and I think he will admit it is not fair. But I think it is important to note that this is not some special interest, as might have been reported by one of the local newspapers, that all of a sudden they get their way here. We have been working on this legislation since 1989, and we have had hearings on it. We have talked to those States that do have a limited amount of gambling, and of course the State of Nevada. We understand the State of Nevada in the sense that gambling is an industry. That is what they rely on. As the Senator from Iowa said, farming is just as important to his State as legalized gambling is to Nevada. So instead of trying to have the Government run roughshod over a State that has built its economy around that, we exempted them. It seems to me that is what good legislation is all about, being understanding of the economic gains in each State.

So now the Senator from Iowa would say, well, let us extend this to everybody, at least give them an opportunity to opt out of this. And that to me would be contrary to the public policy this legislation would establish, and that is to prohibit sports lotteries in all the States except what is already being conducted.

As I mentioned before, in the State of Oregon they have sports lotteries on football and at one time, on basketball. They cannot do any sports gaming such as Nevada has today.

So, Mr. President, I hope my colleagues will vote against the amendment of the Senator from Iowa. I understand his strong commitment to this issue, but I believe it would undermine the effectiveness of this bill.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. 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. DECONCINI. Mr. President, I ask unanimous consent that the next quorum call be divided equally on both sides.

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

Mr. DECONCINI. Mr. President, on the bill itself let me just add a thing or two here. I think it is very important for our colleagues to understand why we are here. Why is this the first order of business? I want to thank the majority leader, Senator MITCHELL, who had some reservations about bringing this bill to the floor. I appreciate immensely his willingness to schedule it on our first day back. I also want to thank the many Senators who have worked hard to get this bill to the floor, in particular Senator FORD, of Kentucky, who has a great interest in the gambling area, especially those dealing with horses. And I appreciate his effort as well as many, many others.

I have already mentioned Senator BRADLEY and Senator HATCH, who have been strong supporters of this particular legislation.

Mr. President, we must remember that a short-term gain at the expense of a detriment to society really cannot be justified. That is what we would be doing in this particular case if we adopted the amendment of the Senator from Iowa. We would, in fact, be permitting each State to come in and undo what I hope will be legislation that will pass and will be signed into law.

It is important also to note that this legislation has been around since 1989 when the bill was first introduced. So there has been ample time for States to attempt to pass sports gambling legis-

lation, and legislature after legislature has turned this down because they have seen the public policy that they do not want to allow sports gambling on amateur and professional sports. And I am glad they have done that.

We do not know what lies in the future. That is why this bill is here, because we want to make it very clear that it is public policy and actual legislative purpose that there should be a prohibition on permitting sports gambling by States.

So, Mr. President, I hope the Senator's amendment will not pass.

I suggest the absence of a quorum and ask that it be charged to each side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. 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. BRADLEY. Mr. President, I rise to express my opposition to the amendment proposed by Senator GRASSLEY.

Senator GRASSLEY's amendment would establish a 2-year window in which all States could choose to exempt themselves from the ban on sports betting. Since this would result in a stampede of States attempting to legalize sports betting, I strongly oppose this amendment.

Mr. President, my position on this issue is fairly clear. If I had my way, sports betting would be prohibited in every State in this country. I have agreed not to fight the exemptions in this bill for States which have already legalized sports betting in an effort to see this bill passed and sports betting prohibited in at least 45 States. Given what we know about the dangers sports betting poses for organized sports, their athletes, and sports fans, it would be wrong for this body to allow more States the option of legalizing sports betting.

Mr. President, the Senator from Iowa believes the question of whether or not to prohibit sports betting should be left up to the States. I am sensitive to arguments in favor of deferring to the States, and believe that the Federal Government should be careful to preempt State authority only when an issue is of national importance. But, based on what I know about the dangers of sports betting, I contend that its dangers are of national importance. Such dangers and the interstate effects of sports gambling justify this Federal action. If you support the efforts of Senators DECONCINI, HATCH, and others to ban sports betting, you should vote against this amendment. If States are given 2 more years to implement sports betting, more athletes and youngsters will suffer as a result.

Mr. DECONCINI. Mr. President, I understand the Senator from Iowa is prepared to yield back the remainder of his time on his amendment, and I am authorized to do so on behalf of the Senator from Utah. I yield back any time remaining on the Senator's amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment.

Mr. GRASSLEY. Mr. President, I yield back my time as well.

The PRESIDING OFFICER. Pursuant to the previous order the vote for or in relation to the Grassley amendment No. 1857 will occur at 2:15 p.m. today.

Mr. DECONCINI. We are prepared to voice vote.

Mr. GRASSLEY. We are prepared to vote right now. I ask unanimous consent that whatever that order is be vitiated.

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

The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1857) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa for his cooperation and assure him we will work with him on other matters where we have mutual understanding and can find common ground.

Mr. President, I know of no further amendments. However, in case anybody wants to speak on the bill I am not prepared at this time to yield back the time. I do not believe the Senator from Utah is either. So, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask I be recognized as though in morning business for not to exceed 12 minutes.

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

Mr. LEAHY. Mr. President, I thank the Chair and thank the distinguished Senator from Arizona for his courtesy.

FOREIGN AID TO IRAQ

Mr. LEAHY. Mr. President, I am rising today to discuss the Senate Agriculture, Nutrition, and Forestry Committee's continuing investigation of United States aid to Iraq.

Before I begin, I would also like to praise House Banking Committee Chairman HENRY GONZALEZ who has sought, as we have, to discover the truth in this complex and difficult matter.

Much has been written recently about this issue. It is generating significant media attention and network news coverage. That media attention in turn has, unfortunately, caused some people—both supporters and opponents of the administration's policy toward Iraq—to unfortunately try to politicize this issue.

That is not what the American people want.

Senator LUGAR and I have been very careful in conducting the Senate Agriculture Committee's investigation. Our goal is not to assign blame. We are simply trying to find out how the United States ended up spending $1.9 billion for foreign aid for Saddam Hussein.

One billion, nine hundred million dollars is a substantial sum. If that money had been spent on domestic needs—instead of covering Iraq's refusal to pay its debts—our Nation could have bought a hot lunch for 9.5 million schoolchildren for every day of the school year. Or our Nation could have afforded to fully fund the WIC [Women, Infants, and Children] Program, providing food to 3.8 million pregnant women, infants, and young mothers that do not get WIC now.

Now I do not know whether this was by mistake or fraud at this point. In a sense it does not matter. The result is the same. The American taxpayer ends up paying a foreign aid bill for Saddam Hussein for $1.9 billion. I cannot believe that there is an American who wants to pay a $1.9 billion tab for Saddam Hussein.

AGRICULTURAL CREDITS TO IRAQ

The Commodity Credit Corporation [CCC] Export Credit Guarantee Program is sound policy with good goals—by increasing foreign purchases of U.S. agricultural products we are helping American farmers.

The problem starts when this administration, or any administration, uses the CCC Program as under-the-table foreign aid. Apparently that is what happened here.

Under the CCC Program, the U.S. Government does not actually write a check up front to a foreign nation. Rather, it entices domestic and foreign banks to loan money by promising to guarantee the loan. If the foreign government fails to pay back the loans, U.S. taxpayers will.

Of the $5 billion in credits the United States extended to finance Iraq's purchases of United States farm products, Iraq has defaulted on nearly $2 billion since its invasion of Kuwait. American taxpayers are left with the bill.

Evidence uncovered suggests that the administration extended CCC loans to Iraq even though its officials knew that Iraq was not creditworthy and United States taxpayers might very well be left holding the bag. In fact, by

mid 1989, no nation, except the United States, was extending long-term loans of a year or more to Iraq because they feared that Iraq—heavily indebted after the end of the 8-year Iran-Iraq war—might default on long-term loans.

The following is some of the evidence that shows administration officials knew Iraq was not creditworthy when the loans were approved.

The November 1990 General Accounting Office report, "Iraq's Participation in U.S. Agricultural Export Programs," found:

As early as January 1985, one member of the National Advisory Council voiced his opposition against granting credit guarantees to Iraq. He was concerned about Iraq's creditworthiness and strongly questioned Iraq's capacity to service additional debt. In that meeting, another member of the NAC added that Iraq's short-term debt had increased over the last two years at the point where Iraq might be incapable of rescheduling it.

During 1988 and 1989, warning signs were building concerning Iraq's creditworthiness. According to an April 19, 1989 analysis by one NAC member agency, Iraq had rescheduled or refused to repay most payments owed to foreign creditors. Only those creditors providing larger amounts of new money were being repaid. Because of Iraq's policy of rescheduling old debt, while at the same time taking on new debt, it was predicted that Iraq's debt would continue to grow at a faster pace than its income, thus preventing it from being able to service its debt. * * *

[Foreign Agricultural Service] risk assessment documents noted that Iraq was effectively tying repayment of past debt to continued participation in the GSM export credit guarantee program.

According to minutes of a November 8, 1989, National Advisory Council [NAC] meeting, various administration officials raised concerns about Iraq's ability to repay the United States Treasury:

[The Federal Reserve representative] cautioned that extending 20 percent of the CCC's guarantee authority for a fiscal year to one country was not desirable in terms of risk-management especially when that country was engaged in unilateral debt rescheduling. Finally, noting the foreign policy considerations brought forward by State, Federal Reserve said that he, too, did not want to be obstructionist, but had reservations about a one billion dollar program.

The Department of Commerce representative noting Iraq's large external debt and questions surrounding its creditworthiness voiced an uneasiness with the proposed program. However, noting the foreign policy concerns of State and the large export market that Iraq represented, he said Commerce didn't want to obstruct the proposal.

The Treasury representative, in summarizing the sense of the meeting, indicated that absent compelling agricultural export and foreign policy interest this proposed program probably would not go forward.

The Ex-Im representative said that the Iraqis were currently delinquent by $12 million.

The purpose of the November 8, 1989, meeting was to determine the amount of fiscal year 1990 CCC loan guarantees to Iraq. The NAC decided to grant Iraq the full $1 billion, but to release it in two separate $500 million parts. The first $500 million was released immediately, but the second was contingent on the Banca Nazionale del Lavoro investigation, subsequent measure of creditworthiness, and correction of Iraqi program violations. Because of the invasion of Kuwait, the money was never released.

At the May 21, 1992, hearing before the House Committee on Banking, Finance, and Urban Affairs, John E. Robson Deputy Secretary of the Treasury admitted that, for deliberations for fiscal year 1990 allocations:

Concerns about Iraq's future repayment of its guaranteed credits were based on reports of Iraq's failing to make scheduled payments to creditors in other countries and high military expenditures which raised questions about the future availability of funds to service its debts.

The administration likes the CCC Program because it requires no congressional approval before specific guarantees are extended.

Unfortunately, this allows the administration to camouflage foreign aid as CCC loans. When money is disguised as "loans" to a nation that is not creditworthy, the administration is not being honest with the American people.

This is what happened with Iraq. And I fear the administration has not learned its lesson as it is using the CCC program to make loans to Russia and other members of the Commonwealth of Independent States, which may very well not be creditworthy.

MISLEADING CONGRESS?

The evidence uncovered so far shows that foreign policy considerations weighed heavily in the administration's decision to extend CCC credit guarantees to Iraq. This, in and of itself, does not constitute a violation of the law. The 1990 farm bill bars the use of the CCC Program for foreign policy reasons and requires that borrowing nations be creditworthy. But these reforms—legislated after the administration guaranteed loans to Iraq—were made after Congress saw what happened with Iraqi credits and did not want American taxpayers left paying the bills in the future.

The problem here is that not only did foreign policy concerns result in bad loans, but the administration may have misled Congress and the American people about the facts.

At the end of my statement, I have included a chronology on this issue, entitled "Foreign Policy and CCC Credit Guarantees." I will just summarize the key points here.

On February 12, 1990, I wrote a letter to then-Agriculture Secretary Clayton Yeutter saying:

I am also disturbed by rumors that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case.

Secretary Yeutter replied on February 20, 1990:

You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.

Chairman GONZALEZ has placed into the March 16, 1992, CONGRESSIONAL RECORD what appears to be an earlier draft of Secretary Yeutter's February 20 letter—a version that may give us a clearer sense of USDA's "state of mind":

You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. I can assure you that there is no basis to this rumor.

The day after Secretary Yeutter's letter, Richard Crowder, Under Secretary, for International Affairs and Commodity Programs, testified at the February 21, 1990, Senate Agriculture Committee hearing. I asked him:

I assume that you are getting some pressure, whether from the State Department or elsewhere, within the administration to loan money to Iraq? Or is this just an internal decision made simply by the Department of Agriculture?

Mr. Crowder responded:

We are not getting undue pressure from anyone on either side, either for Iraq or for anyone else at this time. If we did not agree with it, we would not recommend it.

But as is detailed further in the attached chronology—"Foreign Policy and CCC Credit Guarantees"—foreign policy played a decisive role in the administration's decision to extend these credits—contrary to the representations of Secretary Yeutter and other USDA officials.

On October 31, 1989, less than 4 months before I wrote to Secretary Yeutter, he was called by Secretary of State James Baker. Talking points for that conversation have been inserted in the March 2, 1992, CONGRESSIONAL RECORD:

On foreign policy grounds, we support a program of up to one billion, released in tranches, with periodic compliance reviews. * * * With safeguards, I hope we can get this important program back on track quickly.

According to the February 24 and 25, 1992, reports in the Los Angeles Times, Secretary Baker wrote on his talking points that Secretary Yeutter told him during that phone call: "I think we're seeing it the same way you guys are." The loans were extended to Iraq soon thereafter.

On February 25, 1992, Secretary Baker testified before the Foreign Operations Subcommittee of the Senate Appropriations Committee, which I also chair. I asked Secretary Baker:

Stories in the Los Angeles Times say that officials at the Department of Agriculture and the Ex-Im Bank oppose further aid to Iraq because of questions about Iraq's creditworthiness. But the assistance went forward, notwithstanding the creditworthiness problems, because of foreign policy consider-

ations. I am concerned enough about these stories that have been floating around Washington for some time that I have asked for a GAO investigation of them.

In the Los Angeles Times story it says "On October 31, 1989, Secretary of State James Baker telephoned Agriculture Secretary Clayton Yeutter and persuaded Yeutter to reverse Agriculture's position and approve $1 billion in new loan guarantees to Iraq.

Four months later I wrote to then-Secretary of Agriculture Yeutter. I wrote I was disturbed by rumors that foreign policy pressures had encouraged the Department to give Iraq special treatment in this case. He responded: "To the contrary, the extension of GSM guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation."

The story in today's Los Angeles Times indicates to me that the rumors I was hearing were correct, the response given by then-Secretary Yeutter was wrong, and that indeed he was pressured by you or by the Administration on foreign policy grounds.

So my question is was Secretary Yeutter telling me the truth when he said to me that foreign policy considerations played no role in the extension of credit guarantees to Iraq.

Secretary Baker then confirmed that foreign policy played a role in this decision:

Senator, I do not have any basis to question what Secretary Yeutter wrote to you. On the other hand, I will not deny that at the time in question * * * there was a National Security Decision directive calling for us to seek to improve, if possible, the relationship of the U.S. and Iraq. * * *

I think that on all issues like this, again its been my experience after 18 years up here that these are all subject to interagency discussions and interagency positions. And I suppose it would not come as a surprise to you that the Secretary of State would be supportive of the position reflected by the President in his National Security Decision directive.

The question still remains: Why did the administration mislead Congress and the American people about the reasons it was giving aid to Iraq in the months and years before that nation invaded Kuwait?

HOW WAS THE MONEY FROM CCC LOANS USED?

The goal CCC Program is to promote the export of U.S. farm products. While Iraq was receiving guarantees to buy food, it is clear that Saddam Hussein received other benefits as well.

On one level, at a time when Iraq was financially devastated and strapped for cash, the administration used United States taxpayer money to—perhaps inadvertently—prop up Saddam Hussein and help the dictator rebuild his nation and his war machine after the Iran-Iraq war. In fact, it was a poorly kept secret that Saddam Hussein was spending a huge portion of Iraq's gross national product on military weapons.

Saddam Hussein needed cash to buy food to feed his people. But by receiving U.S. agricultural credits, he was able to spend these limited resources on other items, such as military weapons and machinery—some of which may have been used against our soldiers in the Persian Gulf war.

Money is fungible. The money the administration provided to Iraq for food freed up other dollars to build Saddam Hussein's war machine.

On a second level, the committee will investigate whether CCC credit guarantees were actually diverted from the purchase of food to other uses.

The committee is concerned that in spite of assurances from the Department that the Export Credit Guarantee Program was not used for military purposes, evidence continues to come to light indicating that there was such a connection.

For example, a State Department official wrote in a memorandum that USDA officials knew of this connection and continued to extend credits anyway:

Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware.

And an October 16, 1989, Federal Reserve Bank of Atlanta internal memorandum on the BNL investigation stated that:

Iraq admitted [to USDA investigators] that it routinely receives "after sales services" [from CCC guaranteed sales] such as armored trucks from suppliers. * * * USDA investigators are reviewing shipping documents for evidence that CCC insured goods actually made it to Iraq. Most of the letters of credit show destination other than Iraq such as Aqaba, Jordan.

An April 5, 1990, New York Federal Reserve Bank internal memorandum reports on Iraq's request to BNL that it finance the purchase of nuclear triggers. While BNL turned down this request, we do not know if Iraq was successful in persuading others to finance purchase of the triggers or other equipment.

BANCA NAZIONALE DE LAVORO [BNL]

As is now well known, the Atlanta, GA, branch was instrumental in helping Saddam Hussein's generate needed credit between 1984 and 1989, when Federal agents raided it and shut it down. Just this morning, the central and final figure in the BNL scandal reportedly agreed to plead guilty to all 347 counts of conspiracy and fraud brought against him. The plea means that there will be no trial—and no public airing in court—of the Atlanta bank branch that made over $4 billion in loans to Iraq.

Following the raid of BNL's Atlanta branch, the committee monitored the administration's investigation. The administration assured us that USDA's inspector general's office was undertaking a thorough investigation.

Despite USDA's assurances, it now appears that no thorough investigation was conducted. Instead of an investigation, the inspector general only audited the program. This means that the IG simply reviewed documents rather than virogously following leads and questioning all witnesses under oath.

In one case, the IG discovered a cable from a grain exporter to an Iraqi bank that mentions military equipment. The IG refused to interview the writer of the cable or pursue the lead further.

Because of the unanswered questions, Senator LUGAR and I sent letters on May 22, 1992, to Secretary of State James Baker, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Nicholas F. Brady, and Agriculture Secretary Edward Madigan, requesting their documents that may aid the Senate Agriculture Committee's investigation. And Senator LUGAR and I have also insisted the Treasury Department cease its delaying action in blocking the General Accounting Office's access to documents.

To assist my colleagues in their deliberations, I have prepared a brief chronology of one issue—extending CCC guarantees for foreign policy reasons. I am happy to provide other detailed information if that is helpful.

I raise this today for another reason. This month, President Boris Yeltsin is going to come to the United States. He is going to ask for a very substantial foreign aid package and the President and others want to give him a substantial foreign aid package. Nobody has said yet how much it is going to cost, but they said they want to. CCC credits will be part of it.

I do not want to lose a historic opportunity in the Commonwealth of Independent States. I agree with President Bush. I agree with the Democratic leadership of the Congress. I agree with the Republican leadership of the Congress. The United States should not lose this chance as the leading member of the free world, as the leading democratic country in the world to help democracy take root in what was the Soviet Union.

But let us be honest and let us look at the mistake made in Iraq and let us not make the same mistake twice. Let us not pretend there is no money involved if we simply cosign a loan that we did not have to pay back. Let us not say that we gain anything by simply removing all restrictions and say you get the foreign aid whether you observe basic human rights tenets or not, you get the foreign aid whether you commit genocide or not, you get the foreign aid whether or not you pose a threat to us or your neighbors, and on and on. Let us not write anymore blank checks in foreign aid.

First, I cannot believe there is anybody in the American public, of whatever party, who wants us to write foreign aid blank checks. But if there is one person left out there who thinks the idea of a blank check in foreign aid makes sense, then look what happened in Iraq when a blank check was written, and now we send $1.9 billion to pay it back.

Mr. President, I ask unanimous consent that a number of letters from Senator LUGAR, myself, and other correspondents be printed in the RECORD.

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

FOREIGN POLICY AND CCC CREDIT GUARANTEES

The Senate Agriculture, Nutrition, and Forestry Committee is continuing to uncover more information about the importance the Administration placed on foreign policy considerations when deciding to extend Commodity Credit Corporation loan guarantees to Iraq. This is a portion of the information that has been collected.

On February 12, 1990, I wrote a letter to then-Agriculture Secretary Clayton Yeutter:

"Despite our requests, the Department failed to notify us in advance of the $500 million allocation that was granted to Iraq late last year. More recently, we discovered through our own inquiries to the Department that the CCC had received notices that Iraq was late on payment of several loans that are covered by CCC guarantees and had stopped further use of Iraq's credit line.

"I am disturbed that despite repeated requests, the Department has not kept us promptly informed of all developments in this case. Almost all information that we have obtained has been the result of our own specific inquiries to the Department. I am also disturbed by rumors that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case.

"Quite frankly, the advent of this case has caused me to become more concerned about the potential liability to the U.S. Treasury evidenced by credit guarantees issued by the CCC. The export credit guarantee program seems to be concentrated in a few countries, many of which may be poor credit risks.

Secretary Yeutter replied on February 20, 1990:

"You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.

Chairman Gonzalez has placed into the March 16, 1992, Congressional Record what appears to be an earlier draft of Secretary Yeutter's February 20 letter—a version that may give us a clearer sense of USDA's "state of mind":

"You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. I can assure you that there is no basic to this rumor."

Only in hindsight, with the release of many internal Administration documents have we learned that foreign policy considerations played in important role in the decision to extend CCC guarantees.

For example, a Fall 1989 USDA memorandum recognizes the importance of foreign policy in the program:

"[T]his program cannot be seen by Iraq outside the context of the overall U.S.-Iraqi political relationship * * *. Ambassador [Glaspie]'s cables have stressed the threats to the overall political relationship that a cutoff in the CCC program would pose." [Congressional Record, March 16, 1992.]

An October 26, 1989 internal to Secretary of State, James Baker, regarding "whether to push for a full CCC program for Iraq," National Security Directive 26 (NSD-26)—President Bush's directive for expanding political and economic ties with Iraq—was discussed:

"Earlier this month, the President signed NSD-26 mandating pursuit of improved economic and political ties with Iraq. * * * Our ability to influence Iraqi policies in areas important to us * * * will be heavily influenced by the outcome of the CCC negotiations * * *.

"Offering a program of up to $1 billion would strengthen relations with Iraq, in line with NSD-26, and help U.S. exporters."

The internal memorandum recommended that Secretary Baker:

"* * * telephone Clayton Yeutter to urge that we go forward rapidly with a CCC program, with safeguards and to be made available in tranches, that could go up to the full $1 billion, provided the review process turns up no evidence of Iraqi wrong doing."

Talking points for Secretary Baker's phone call to Secretary Yeutter were attached to the memorandum:

"Our information about the investigation indicates that the prosecutor does not now intend to indict Iraq officials. * * * On foreign policy grounds, we support a program of up to one billion, released in tranches, with periodic compliance reviews * * *. With safeguards, I hope we can get this important program back on track quickly." [Congressional Record, March 2, 1992.]

An October 27, 1989 internal memorandum to Secretary Baker, stated:

"Assuming that USDA finalizes a sanitized CCC program, I recommend that you assert to Yeutter the political and economic rationale for going forward with this whole program, by tranche, to the $1 billion level. If we are comfortable with a $400 million exposure, based on our new anti-corruption safeguards, we ought to be comfortable with a billion dollar program. The CCC program is crucially important to our bilateral relationship with Iraq." [Congressional Record, March 2, 1992.]

On October 21, 1989 Secretary Baker telephoned Secretary Yeutter to persuade him to reverse USDA's position and approve $1 billion in new CCC guarantees to Iraq. According to the February 24 and 25, 1992 reports in The Los Angeles Times, Secretary Baker writes on his talking points that Yeutter told him: "I think we're seeing it the same way you guys are. I'll get into it."

In November 1989, an internal memorandum to Lawrence Eagleburger stated:

"In your conversation earlier today, Department of the Treasury Deputy Secretary John Robson asked that you send him a letter outlining the policy reasons for which State strongly backed USDA's proposal for a full, billion-dollar program of Commodity Credit Corporation credit guarantees, with safeguards."

The following draft letter was attached and eventually sent.

"Dear John: Further to our discussion, on foreign policy grounds we support the Department of Agriculture's proposal for a full, billion-dollar program of CCC GSM-102 export credit guarantees in FY90, with adequate safeguards, for Iraq." [Congressional Record, March 2, 1992.]

John Robson, Deputy Secretary of the Treasury and Chairman of the National Advisory Council on International and Monetary Issues at the deputy secretary level, later described in his May 21, 1992 testimony, before the House Banking Committee, the deliberations at the November 8, 1989 NAC meeting which determined that Iraq would receive a first tranche of $500 million in CCC guarantees for FY90:

"Four issues were paramount in the NAC's discussions [of whether Iraq should receive CCC guarantees]: Iraq's creditworthiness; the U.S. interest in maintaining our share of the Iraqi market for agricultural exports; possible wrongdoing by Iraqi officials; and U.S. foreign policy interests * * *.

"Foreign Policy. * * * the State Department was consistent and firm in its view of the Iraqi relationship's foreign policy significance to the United States and the importance of the CCC program to the maintenance of that relationship. * * * The foreign policy considerations * * * centered on the importance of the CCC guarantees to the maintenance of U.S. relations with Iraq and the harm that terminating the CCC program would cause to that relationship and to the prospects for achieving our foreign policy objectives in areas where we sought Iraq's cooperation."

November 8, 1989 Department of State talking points for the NAC Alternatives meeting stated: "The CCC program is crucially important to our bilateral relationship with Iraq. State strongly supports immediate action by the NAC Deputies to approve the new program proposed by USDA." [Congressional Record, March 2, 1992.]

According to the November 8, 1989 minutes of the NAC Alternates meeting, State Department's Robert Kimmitt stated:

"[My] comments reflect the views of Secretary Baker who believes that the CCC program in Iraq was crucial to the U.S. bilateral relationship with Iraq. He noted that in NSD 26 the President called for improvement of the U.S. relationship with Iraq, and bilateral trade expansion offer a good means to achieve that end. * * * To abruptly terminate the CCC program in Iraq would clearly run counter to the President's intention and would furthermore cause a deterioration in our relationship with the Iraqis." [Congressional Record, March 2, 1992.]

Prior to my writing the February 12, 1990 letter to Secretary Yeutter that I referred to earlier, at the Committee's request, General Sales Manager of the Foreign Agricultural Service, F. Paul Dickerson provided a written update on Iraq's participation in the GSM program and described some basic facts about the program.

"The GSM 102/103 programs are not foreign aid or foreign assistance programs. Rather, those programs were instituted to assist the US agricultural sector to develop and maintain commercial export markets for U.S. agricultural products. * * * The decision whether to extend credit guarantees, and for how much, is the result of very thorough review of many factors [sic], including creditworthiness, past performance in the program by the foreign country, benefits to U.S. agricultural sectors, and long term market opportunities. Clearly this seems at odds with the memoranda circulating within the Administration.

At a February 21, 1990 Senate Agriculture Committee hearing, I asked Richard Crowder, Under Secretary, for International Affairs and Commodity Programs:

"I assume that you are getting some pressure, whether from the State Department or elsewhere, within the Administration to loan money to Iraq? Or is this just an internal decision made simply by the Department of Agriculture?

Mr. Crowder responded:

"With respect to Iraq or any other country, the review process is that we make proposals and then it goes through an interagency process, the NAC committee on International Monetary Funding and so forth. So it is approved there. So we do not make a unilateral decision. We make recommendations in terms of what should be funded, and then we sent it through the NAC

process for approval. We are not getting undue pressure from anyone on either side, either for Iraq or for anyone else at this time. If we did not agree with it, we would not recommend it."

On February 23, 1990, ten days after updating the Committee on the CCC program, General Sales Manager F. Paul Dickerson wrote a memorandum to R.E. Anderson, Foreign Agricultural Service Administrator discussing the foreign policy and political ramifications on announcing additional credit guarantees for Iraq:

"Politically, Iraq has strategic importance as a bulwark against Iran and controls a significant amount of the Middle East's oil. * * * Not announcing the program will be considered by the Iraqi Government as unwarranted and an affront to their dignity. They might stop paying on their GSM obligations which could result in a large outlay by CCC. Current Iraq GSM obligations are approximately $2.2 billion.

"Domestic political concerns about the Iraq GSM-102 program are driven both by concern that no HUD or savings and loan type scandal be permitted within CCC programs, and by linkage of domestic lobbying groups to both human rights groups and Israeli interests. Israel is concerned that Iraq emerged from the Iran-Iraq war with the strongest Arab army—both battle seasoned and technologically advanced—in the region."

An April 26, 1990 Treasury Department internal memorandum describes a meeting between USDA, State, and Treasury and paraphrases the concern raised by USDA officials about keeping the true nature of the CCC Program from public scrutiny.

"The USDA official said USDA is concerned that foreign policy considerations may cause curtailment of the (CCC) program, and is uncomfortable emphasizing foreign policy as the public rationale for making available the first tranche of the fiscal year 1990 Iraq CCC guarantees." [Congressional Record March 16, 1992.]

On May 25, 1990, an internal Treasury Department memorandum summarized another meeting between the USDA, Treasury, and State Department:

"[The] meeting has been initiated by the NSC [National Security Council] staff because they want to prevent the CCC program from being canceled as is would exacerbate the already strained foreign policy relations with Iraq. Agriculture had planned to put out a press release on May 21, 1990 that said the program was being suspended until the investigation into improprieties in the program were completed. The NSC prevailed on Agriculture to say only that their investigation showed the improprieties may have occurred and remained silent on the suspension. In fact there is a suspension in effect." [Congressional Record March 16, 1992.]

In October 1990, GSM Manager Dickerson testified before the House Banking Committee that foreign policy pressures do not influence the GSM program:

"[The CCC program for Iraq] was a market driven agriculture-related program without reference to other issues."

On March 7, 1991, I asked the General Accounting Office to investigate a number of issues:

"[A]llegations of fraud and abuse pertaining to Iraq's participation in the GSM programs. I am particularly concerned about the possibility that Iraq's receipt of export credit guarantees enabled it to purchase military equipment. Therefore, I am requesting the GAO to undertake an immediate review of the NAC minutes concerning Iraq. * * * I am interested in determining the criteria which were used in the decisions to extend credit to Iraq. In particular, was the issue of money fungibility ever raised during these meetings? I would like to know if key decision makers within the organization ever discussed whether providing GSM guaranteed funds to Iraq would free up its foreign exchange for the purchase of weapons and military related equipment. If it was raised, I would like to know who continued to support the extension of credit guarantees to Iraq."

On February 25, 1992, Secretary Baker testified before the Foreign Operations Subcommittee of the Senate Appropriations Committee, which I chair. I asked Secretary Baker:

"[S]tories in the Los Angeles Times say that officials at the Department of Agriculture and the Ex-Im Bank oppose further aid to Iraq's creditworthiness. But the assistance went forward, notwithstanding the creditworthiness problems, because of foreign policy considerations. I'm concerned enough about these stories that have been floating around Washington for some time that I've asked for a GAO investigation of them.

"In the Los Angeles Times story it says 'On October 31, 1989, Secretary of State James Baker telephoned Agriculture Secretary Clayton Yeutter and persuaded Yeutter to reverse Agriculture's position and approve $1 billion in new loan guarantees to Iraq.'"

"Four months later I wrote to then-Secretary of Agriculture Yeutter. I wrote I was disturbed by rumors that foreign policy pressures had encouraged the Department to give Iraq special treatment in this case. He responded: 'You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. To the contrary, the extension of GSM guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.'"

"The story in today's Los Angeles Times indicates to me that the rumors I was hearing were correct, the response given by then-Secretary Yeutter was wrong, and that indeed he was pressured by you or by the administration on foreign policy.

"So my question is this, was Secretary Yeutter correct when he was telling me the truth when he said to me that foreign policy considerations played no role in the extension of credit guarantees to Iraq."

Secretary Baker responded as follows:

"Senator, I don't have any basis to question what Yeutter wrote to you. On the other hand, I will not deny that at the time in question * * * there was a National Security Decision directive calling for us to seek to improve, if possible, the relationship of the U.S. and Iraq. * * * I think that on all issues like this, again its been my experience after 12 years up here that these are all subject to interagency discussions and interagency positions. And I suppose it would not come as a surprise to you that the Secretary of State would be supportive of the position reflected by the President in his National Security Decision directive."

On March 2, 1992, I wrote to Agriculture Secretary Madigan, again on the subject of foreign policy considerations:

"As Chairman * * * I on several occasions in 1989 requested information from the USDA about Iraq's participation in the GSM-102 program, and the investigation of the Banca Nazionale del Lavoro in Atlanta, Georgia, with which Iraq conducted financial transactions. These inquiries were repeated in a letter addressed to then-Secretary Clayton Yeutter dated February 12, 1990. My questions concerning these issues and events persist today.

"It has been reported by several sources, and most recently in the Los Angeles Times on February 25, 1992, that foreign policy considerations took precedence over more prudent financial concerns in the decision in late 1989 to grant one-half billion dollars in export credit guarantees to Iraq. The Times also reported on October 31, 1989, Secretary of State Baker telephoned former Secretary Yeutter and persuaded him to reverse the USDA's initial opposition to granting export credit guarantees to Iraq. Secretary Baker argued that foreign policy considerations should take precedence, and he later recorded in a handwritten note that former Secretary Yeutter ultimately acceded to his concerns, and assured him: 'I think we're seeing it the same way you guys are.'"

"I was assured in a letter from then-Secretary Yeutter on February 20, 1990, that foreign policy considerations did not play a role in the decision to grant export credit guarantees to Iraq. He wrote: 'To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.' I inferred from this response that foreign policy did not play a role in this decision. Secretary Baker testified in a hearing before the Subcommittee on Foreign Operations on Feb. 25, 1992 in response to my question about the accuracy of then-Secretary Yeutter's statement: 'Senator, I don't have any basis to question what Secretary Yeutter wrote you.' He also acknowledged, however, during this testimony that both he and then-Secretary Yeutter supported the President's national security directive at the time to improve relations between the United States and Iraq, implying linkage between the decision to grant GSM-102 export credit guarantees and the National Security Directive.

"In light of former Secretary Yeutter's letter of February 20, 1990, the Los Angeles Times newspaper stories, and Secretary Baker's testimony, were Secretary Yeutter's assurances that foreign policy considerations did not affect the decision to grant the export guarantees correct?"

On April 30, 1992, Secretary Madigan responded to my March 3 letter:

"During [1989-90], this Department viewed the GSM-02 program first and foremost as agricultural exporters and producers. * * *

"You have written that you inferred from a letter from then-Secretary Yeutter dated February 20, 1990, that foreign policy considerations did not play a role in the decision to make available these export credit guarantees. You indicated that this inference is derived from the following two sentences in Secretary Yeutter's letter: 'You mentioned that there were "rumors" that foreign policy pressures have encouraged the USDA to give Iraq special treatment in this case. To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.' You will recall that the line of credit guarantee availability in connection with the sales to Iraq was ultimately limited to $500 million rather than the requested historical annual allocation of $1 billion. This fifty percent reduction in the allocation quantifies the special scrutiny of the USDA upon the program at the time.

"The export credit guarantee program is an was operated by the Department on the basis of market development considerations and financial responsibility."

On May 6, 1992, Under Secretary Crowder testified before the Senate Agriculture, Nutrition, and Forestry Committee. I said the following to him:

"I am concerned that information was withheld from us on the question of Iraq, concerns and red flags were raised by others within the Administration was withheld from us on Iraq. A foreign policy determination was made that here's a way to get foreign aid to Iraq and everybody was ignored on it. And now the taxpayers are holding the bill for, of all things, foreign aid. And I'm absolutely convinced that there's going to be more that's going to come out of that. * * *

"I must admit to some trepidation when we haven't been given adequate answers in the past in the Agriculture Committee, when information has been withheld, when even today on some aspects of Iraq I can't even get my letters answered or responded to from the administration. And I'm asked—in a way, what I hear back is, 'Don't ask us any questions about what we withheld from you in the past, but trust us in the future.'" * * *

On May 22, 1992, I sent letters to Secretary of State James Baker, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Nicholas F. Brady (two letters), and Agriculture Secretary Edward Madigan, asking them to produce documents to assist the Committee with its investigation.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, May 22, 1992.

Hon. EDWARD MADIGAN,
Secretary of Agriculture, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: We are writing to inform you that the Committee on Agriculture, Nutrition, and Forestry is continuing its investigation of the extension of export credit guarantees to Iraq.

As you are well aware, the Committee has been concerned about this matter for several years. We have communicated with you or your predecessor about it on a number of occasions.

The Committee is concerned about three majors issues.

First, the Committee is concerned that the Department has not fully and correctly informed it about matters involving the export credit guarantee program and Iraq, the Department's investigation into Banca Nazionale del Lavoro's participation in the program, and the role that foreign policy considerations, rather than creditworthiness and export considerations, played in this decision.

For example, in spite of assurances from former Secretary Yeutter to the contrary, there is overwhelming evidence in the public record that indicates that foreign policy considerations played the pivotal role in determining whether export credit guarantees were extended to Iraq.

Second, the Committee is concerned that in spite of assurances from the Department that there is no evidence that the export credit guarantee program was misused for military purposes, evidence continues to come to light indicating that there was such a connection.

For example, a memorandum written by a Department of State official has recently come to light that indicates that USDA officials had indicated to him that such a connection existed. It states, "Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware."

Just this week, the U.S. News and World Report contained a quote from a memorandum written by a Federal Reserve employee stating that there was some connection between the export of nuclear triggers to Iraq and Commodity Credit Corporation programs.

Third, the Committee will investigate whether the assurances that the Department gave it about the role that the Banca Nazionale del Lavoro/Iraqi matter were based on a thorough investigation.

The Committee was assured by a memorandum transmitted to it that the Inspector General's Office was undertaking an investigation of this entire matter at the request of Mr. Richard T. Crowder, the Under Secretary, for International Affairs and Commodity Programs.

It is now clear that although the Committee relied on this assurance, that instead of an investigation, the Inspector General produced only an "audit" of the program. An "audit" is simply a review of documents rather than a thorough investigation in which every significant lead is followed to its conclusion including questioning of witnesses under oath.

The significance of this distinction became apparent to the Committee when it found that even though the Inspector General's audit discovered a cable between a grain exporter and an Iraqi bank mentioning military equipment, it did not interview the writer of the cable, and refused to do so before the audit was released.

As the first step in this investigation, we would like your cooperation in the following matters.

First, please provide to the Committee in seven days all of the documents supplied to the Committee on Banking, Finance and Urban Affairs of the House of Representatives. With those documents, please provide a list of those documents, indicating which if any have been classified. Please deliver any classified documents to the Office of Senate Security. Also, please provide a longer list of all records of or in the possession of the Department of Agriculture related to BNL and Iraq. Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any manner whatsoever.

Second, please provide the following information related to the two attached memoranda which suggest a military connection to the export credit guarantee program.

With regard to the first memorandum, dated October 13, 1989, which we understand to be written by Mr. Frank Lemay of the Department of State, please provide all records of or in the possession of the Department, including notes of that meeting and all notes of the members of the team that visited Atlanta, Georgia to be briefed on the status of the Banca Nazionale del Lavoro investigation.

With regard to the second memorandum, entitled "REDACT" and dated October 16, 1989 please provide the Committee with the names of the USDA employees mentioned on page 2 who "met with the Iraqis on October 5, 1989 * * * (in which meeting) Iraq admitted that it routinely receives "after sale services" such as armored trucks from suppliers." Please provide any records in the possession of the Department of that meeting, including notes.

Please also provide the names of the "USDA investigators (who) are reviewing shipping documents for evidence that CCC insured goods actually made it to Iraq."

In undertaking this investigation it is essential that the Committee have the full cooperation of the Department. We would like your personal assurance that you will direct the Department to cooperate fully and openly with the Committee in this investigation, including making available to the Committee employees which the Committee, or its staff, may wish to question under oath.

Because of the urgency of this investigation, we request that this Committee's request for records not be cleared through the National Security Council or the White House.

If you have any questions about the request, please contact Jim Cubie, the Committee's Chief Counsel at 224-2035.

Sincerely,

PATRICK LEAHY,
Chairman.

RICHARD LUGAR,
Ranking Minority Member.

MEMORANDUM OF CONVERSATION

Date; October 13, 1989.

Subject: USDA Comments on Investigations of Iraq and the Banco Nazionale del Lavoro, Atlanta Branch, Scandal.

Distribution:

E: Richard T. McCormack, Under Secretary of State for Economic Affairs. Sam Hoskinson, Executive Assistant to the Under Secretary of State for Economic Affairs.

L: Abraham D. Sofaer, Legal Adviser.

NEA: Jock Covey, Acting Assistant Secretary.

EB: Eugene McAllister, Assistant Secretary. Robert Downes, Office of Development Finance.

Participants: State: Frank Lemay, Special Assistant to the Under Secretary for Economic Affairs.

USDA: Tom Conway, Associate General Counsel; Kevin Brosch, Attorney, Office of the General Counsel, FAS; Peter Bonner, Attorney, Office of the General Counsel, FAS; Larry McElvain, Director of Export Credits, CCC.

Location: Department of Agriculture, Office of the General Counsel, Room 2307.

SUMMARY

There are currently 10 separate investigations of Banco Nazionale del Lavoro, Atlanta Branch (BDLA), lending activity to Iraq. As investigators dig further into the paper morass, more and more indications of significant wrong-doing on the part of BDLA and Iraq are surfacing. It now appears that at a minimum elements of the Government of Iraq (GOI) knew of the illegal dealings of the BDLA but found it convenient to continue using its good offices. Indications are that in addition to violating US banking laws, the BDLA's activities with Iraq may have led to diversion of CCC guaranteed funds from commodity programs into military sales either directly, through barter arrangements during transit, and/or through requiring fees to be paid on various transactions in violation of US regulations. In addition, payments required by Iraq of exporters wishing to participate in the Iraqi market may have been diverted into acquiring sensitive nuclear technologies. This has yet to be fully substantiated. End Summary.

THE INVESTIGATIONS

The FBI, Federal Reserve, Comptroller of the Currency, US Attorney, USDA Inspector General Office, DOD Inspector General Of-

fice, Georgia State Banking Regulators, US Customs, the IRS, and Italian Bank Regulators are currently all investigating Banco Nazionale del Lavoro, Atlanta Branch, lending activity to Iraq. As Brosch put it "The investigations are at the explosion state." As investigators begin to dig through the BDLA's records and as BDLA officers agree to cut deals with the US Attorney, we can expect further revelations of who knew what when.

USDA expectations are that the investigation could "blow the roof off the CCC." With reference to the CCC program the question is whether GOI officials were involved in breaking US law and CCC regulations. As Conway pointed out, the GOI knew fully that its dealings with the BDLA were not sanctioned by the Banco Nazionale del Lavoro home office. The GOI could have approached the home office for financing at any time. Because it did not do so, Conway said, "the US attorney believes the GOI was malfeasant and involved."

Although most of the investigations are focusing on the illegal banking activities of the BDLA, USDA is looking at possible diversion of CCC guaranteed commodities during transit, illegal payments required by Iraq of exporters in order to enter the Iraqi market, and "After Sales Services" which require exporters to provide such items as trucks, spare parts and other agricultural and non-agriculture equipment as part of CCC deals. Companies that would not make payments and/or provide after sales service were apparently kept on a black-list and not allowed to participate in the Iraqi market. Violation of banking regulation is beyond USDA's scope; breaking CCC regulations is of paramount concern.

PAYMENTS

Available information indicates that the GOI required exporters to pay a substantial "consulting fee" to an Ohio based company named Churchill Matrix. The US Attorney has found that Churchill Matrix has its headquarters in Great Britain and is a wholly owned subsidiary of TMG, a GOI fully owned holding company. Some information has been developed that Churchill Matrix has been involved in supplying military hardware to Iraq. It is not clear if the fees required of exporters went to pay for the military purchases. Information indicates, but is not conclusive, that users of CCC program guarantees were forced by the GOI to pay the fees as well. If exporters did pay the fees, CCC was probably guaranteeing financing for both commodities and, through inflated pricing, the required additional payments.

AFTER SALES SERVICES

The GOI reportedly required exporters participating in CCC guaranteed exports to Iraq to provide "After Sales Services". These services required exporters to provide, free of charge, various types of equipment and spare parts to Iraq. The GOI was told by USDA about 18 months ago that these practices were illegal but they continued. The problem with these services, as with the payments, is that exporters figure the cost of the services into the declared value of the commodity sale. The upshot is that CCC is again guaranteeing financing of both commodities and non-commodity goods.

In both the required fee payments and the after sale services it is the exporter who is liable under US law for falsifying documents given to the USG. If they can show that Iraqi officials were involved, conspiracy charges could be brought against all those involved. The GOI has admitted to using both practices and sees both as "good business practice".

DIVERSION OF CCC GUARANTEED FUNDS/ COMMODITIES

Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware. McElvain reported that although, in the cases where adequate documentation exists, CCC commodities can be traced as far as Jordan and Turkey, in many cases it is not clear that they ever reached Iraq. Where documents indicate shipments arrived in Baghdad, the timing appears improbable—shipments arrive in Baghdad prior to arriving at interim ports. McElvain and the USDA IG are concerned that commodities were bartered in Jordan and Turkey for military hardware. BDLA paperwork is so sloppy on this point that it may be months (or never) that we can reach a firm conclusion on the diversion issue.

NUCLEAR RELATED EQUIPMENT

USDA's Brosch noted that the U.S. Attorney said there was some indication that diverted funds (and possibly direct bank lent funds) were used to procure nuclear related equipment. Noted in particular were a "nuclear fuel compounder" and a "nose cone burr." Here the evidence of CCC diversion is not fully developed by the case remain open. DOD is apparently investigating this aspect of the problem.

ADDITIONAL ALLEGATIONS

Brosch and Conway said that the U.S. attorney is looking at additional allegations in the BDLA scandal. These include allegations of substantial over-pricing of commodities guaranteed under CCC; inclusion of non-U.S. origin commodities in guarantee program shipments; and, shipment of equipment under CCC commodity guarantee financing.

CONCLUSION AND COMMENT

Taken together the points discussed during the meeting indicate we should proceed carefully in urging the immediate provision of CCC guarantees to Iraq. If smoke indicates fire, we may be facing a four alarm blaze in the near future. This is particularly true given the intense scrutiny the CCC program has been under during the last year. McElvain indicated that there were 19 investigations of CCC this year and the "integrity of the program is now in question." USDA attorneys will be going to Atlanta for discussions with the U.S. attorney during the coming week. Additional information on the various investigations will be available upon their return.

FEDERAL RESERVE BANK OF ATLANTA,
October 16, 1989.

OFFICE CORRESPONDENCE

To: Zane R. Kelley, Vice President.
From: Robert Kennedy.
Subject: BNL-A Weekly Update.

This memorandum summarizes the events related to Banca Nazionale del Lavoro, Atlanta agency (BNL-A) during the week of October 9, 1989. Most significantly, on October 12, 1989, Banca Nazionale del Lovoro (Lavoro) filed a civil suit in the Atlanta division of the U.S. District Court against former BNL-A officers Christopher Drogoul and Paul Von Wedel. The suit alleges that the defendants negotiated and executed a series of unauthorized credit facilities with the Iraqis and others. The suit further alleges that the defendants deliberately engaged in actions to conceal these unauthorized transactions from Lavoro, its internal and external auditors, and state and federal regulators. Thus, Lavoro maintains that the defendants breached their fiduciary duty to Lavoro and defrauded the bank. Lavoro is asking for recovery of unspecified damages, trebled under the Racketeer Influenced and Corrupt Organizations Act (RICO).

FEDERAL RESERVE'S EXAMINATION

The Reserve Bank continues to progress in its examination and in developing the charges for administrative action with completion expected by the end of November.

ASSISTANT U.S. ATTORNEY AND F.B.I. INVESTIGATION

I continue to work with Gale McKenzie, the Assistant U.S. Attorney for the BNL-A criminal case, and the F.B.I. in developing ———.

U.S. STATE DEPARTMENT REVIEW

The State Department is trying to determine whether the actions of Iraq in the BNL-A case were those of renegade Iraqis or reflected official Iraqi government policy. The latter case appears to be true. Secretary Baker recently raised some questions concerning the BNL-A connection with Iraq with its Prime Minister.

U.S. DEPARTMENT OF AGRICULTURE INVESTIGATION

The USDA investigation appears to be focusing on three areas. First, the USDA met with the Iraqis on October 5, 1989, regarding the proposed $1.2 billion CCC guarantee program for 1990. Iraq admitted that it routinely receives "after sale services" such as armored trucks from suppliers. These after sales services might be construed as kickbacks which the USDA warned Iraq in 1988 were in violation in the CCC program. (We understand that in a recent meeting between the Iraqis and Mr. Drogoul and his attorneys, Iraq denied receiving kickbacks.) Second, USDA investigators are reviewing shipping documents for evidence that CCC insured goods actually made it to Iraq. Most of the letters of credit show destinations other than Iraq such as Aqaba, Jordan. Third, the USDA continues to investigate BNL-A's role in a larger problem involving guarantees for U.S. tobacco exports. USDA alleges that non-U.S. tobacco was substituted for the U.S. product. USDA further alleges that various tobacco industry people received illegal kickbacks.

EX-IM BANK INVESTIGATION

On October 13, 1989, Assistant U.S. Attorney Gale McKenzie and I spoke with the associate general counsel and a loan officer for the Ex-Im Bank concerning the Bank's exposure to Iraq on loans originated by BNL-A. This exposure totals $10 million in outstanding loans and $32 million in loan commitments. The Ex-Im Bank will send its BNL-A files to Ms. McKenzie for review to determine whether there are any criminal violations or any other acts which might negate the Bank's guarantee. We will review the files for any misrepresentations by BNL-A, for loans involving———.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, May 22, 1992.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury and Chairman, National Advisory Council on International Monetary and Financial Policy, Washington, DC.

DEAR MR. SECRETARY: Over one year ago, the Committee requested that the General Accounting Office investigate allegations of fraud and abuse pertaining to Iraq's partici-

pation in the U.S. Department of Agriculture's GSM export-credit guarantee programs.

We are writing because the Department of the Treasury has repeatedly denied the General Accounting Office full access to National Advisory Council meeting minutes and other documents required to respond to my request. The General Accounting Office made a written request for documents on June 24, 1991; however, the Department of the Treasury allowed the General Accounting Office only to read—but not copy—many of these documents. Cooperation in providing this information is especially important in light of public concern that a National Security Council committee, chaired by a White House counsel, is delaying the release of documents and interfering with Congressional investigations.

After extensive research, the General Accounting Office has compiled the following list of NAC meeting minutes and other Department of the Treasury documents which are essential for the investigation:

1. All classified and unclassified NAC meeting minutes dealing with Iraq from 1980 to the present.

2. All correspondence between the Department of the Treasury and the Department of State regarding the Banca Nazionale del Lavoro (BNL), the BNL investigations, or U.S. policy towards Iraq.

3. All correspondence between the Department of the Treasury and U.S. Embassies regarding BNL, the BNL investigations, or U.S. policy towards Iraq.

The General Accounting Office is conducting this investigation directly at the Committee's request and we insist that the Department of the Treasury cooperate fully by providing copies of these documents without delay.

Thank you for your immediate attention to this request.

Sincerely,

PATRICK LEAHY,
Chairman.
RICHARD LUGAR,
Ranking Minority Member.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, May 22, 1992.

Mr. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: The Committee on Agriculture, Nutrition, and Forestry is undertaking an investigation related to the involvement of the Banca Nazionale del Lavoro (BNL) in the misuse of the agricultural export guarantee program. The investigation will also examine any connection between these programs and the military equipment for Iraq. We request that the Board of Governors of the Federal Reserve System, and the Federal Reserve Banks of Atlanta, New York, San Francisco and Chicago cooperate with this investigation.

Specifically, the Committee would like to examine, and as necessary, make copies of all records:

1. Relating to the Federal Reserve System's involvement in the regulation, supervision and examination of BNL over the past five years that refer in any way to Iraq, to any agricultural matters, or to any military or foreign policy matter.

2. Pertaining to the above matters, but that were made available to, or forwarded to any other government agency:

3. A copy of the April 1990 memorandum referenced in the May 18, 1992, U.S. News and World Report, which states on page 43 that:

"According to an April 1990 memorandum obtained from the Federal Reserve Bank of New York, CCC loan money obtained by an Iraqi intermediary from the Atlanta branch of Italy's state-owned Banca Nazionale del Lavoro was apparently used to purchase nuclear triggers later seized by British Customs inspectors. '[Regarding] the nuclear triggers that were seized in London.' Fed official Thomas Baxter wrote to a superior, 'as you suspected, there is a connection.'"

We request that you provide us with this memorandum within three working days.

Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any matter whatsoever.

If you have any questions about this request, please contact Jim Cubie, the Committee's Chief counsel at 202-224-2035.

Sincerely,

PATRICK LEAHY,
Chairman.
RICHARD LUGAR,
Ranking Minority Member.

COMMITTEE ON AGRICULTURE,
Washington, DC, May 22, 1992.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury and Chairman, National Advisory Council on International Monetary and Financial Policy, Washington, DC.

DEAR MR. SECRETARY: The Committee on Agriculture, Nutrition, and Forestry is undertaking an investigation into the operation of Banca Nazionale del Lavoro (BNL) and BNL's participation with Iraq in U.S. Government-sponsored export promoting programs. In your capacity as Chairman of the National Advisory Council (NAC), we request your cooperation with this investigation.

Specifically, the Agriculture Committee is investigating the role the NAC played in approving Iraqi participation in U.S. Department of Agriculture (USDA) programs, and the influence the BNL scandal had on the NAC process.

We request that you prepare a list of all records in your agency's possession dealing with NAC consideration of Iraqi or BNL participation in USDA and Eximbank programs. Please list all letters, memorandum, notes, telexes, facsimiles, computer files, etc., including, but not limited to:

a. Minutes of all NAC meetings dealing with Iraq and BNL for the years 1983-1990;

b. All supporting records related to NAC consideration of Iraq or BNL participation in USDA programs;

c. Correspondence between the Department of the Treasury and other U.S. Government agencies related to NAC consideration of Iraqi or BNL participation in USDA programs;

d. Records not listed above related to Treasury Department consideration of Iraq or BNL participation in USDA or Eximbank programs.

Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any manner whatsoever.

The Agriculture Committee asks that the above list be completed by the close of business, Friday, June 5, 1992. Please feel free to have your staff contact Mr. Jim Cubie, the Committee's Chief Counsel, to discuss this request at 224-0014.

Thank you for your cooperation with the Committee's investigation. We look forward to your timely reply.

Sincerely,

PATRICK LEAHY,
Chairman.
RICHARD LUGAR,
Ranking Minority Member.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, May 22, 1992.

Hon. JAMES A. BAKER III,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: The committee on Agriculture, Nutrition, and Forestry is conducting an investigation of the Department of Agriculture's extension of export guarantees to Iraq and of the role of Banca Nazionale del Lavoro (BNL) in that matter. We request for the State Department's assistance with this investigation.

As a member of the National Advisory Council on International Monetary and Financial Policy (NAC), the State Department participated in the decision to guarantee more than $5.7 billion in loans to Iraq utilizing various Commodity Credit Corporation (CCC) and Export-Import Bank (Eximbank) programs. Since Iraq stopped payment on its foreign debts, the U.S. Government is now being called to honor its commitment to reimburse creditors under the CCC and Eximbank programs.

So that the Committee may better understand the NAC's decision to guarantee loans to Iraq, and the impact the BNL scandal had on the guarantee programs, the Committee would like to review the following records which are in the State Department's possession:

1. Copies of all correspondence, including telexes, facsimiles, letters, logs and notes of phone conversations, etc., between the U.S. Embassy in Baghdad and the State Department in Washington, D.C., related to Iraq's or BNL's involvement in Department of Agriculture and Export-Import Bank programs between 1982 and the present;

2. All records directly related to NAC decisions involving Iraq or BNL between 1982 and the present;

3. Copies of all records including letters, memoranda, telexes, facsimiles, etc., between the State Department and any other U.S. Government Agency (e.g. the Department of Justice, U.S. Customs Service, Federal Reserve System, Department of Agriculture, Department of Defense, etc.) related to Iraq of BNL participation in USDA;

4. All letters, telexes, facsimiles, logs or notes of phone conversations, etc., between the U.S. Embassy in Rome and the State Department in Washington, D.C., related to the BNL scandal;

5. All letters, telexes, facsimiles, logs or notes of phone conversations, etc., between the State Department and the Governments of Italy or Iraq related to the BNL scandal;

6. All letters, telexes, facsimiles, logs or notes of phone conversations, etc., between the State Department and BNL.

In order to facilitate the committee's review of this information, please prepare a list of the documents referred to above by the close of business, Friday, June 5, 1992.

Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any manner whatsoever.

Questions regarding this request may be directed to Mr. Jim Cubie, the Committee's Chief Counsel at 224-2035.

Thank you for cooperation. The Committee looks forward to your timely reply.

Sincerely,

PATRICK LEAHY,
Chairman.

RICHARD LUGAR,
Ranking Minority Member.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

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

The PRESIDING OFFICER. The Senator is advised, under the previous order, the Senate is to go out at the hour of 12:30.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for 5 minutes.

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

TODAY'S BOXSCORE OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, our friend Senator HELMS is in North Carolina preparing for heart surgery and he has asked me to submit for the RECORD each day in the Senate what he has called the congressional irresponsibility score box. I do that with pleasure, but also with great interest because I think this information is critical and necessary on a day-to-day basis for the American people to recognize the failure of their Government and this Congress to successfully control Federal spending.

The Senator instituted this report on a daily basis starting on February 26. It is a report of the daily national debt growth. The Federal debt run up by Congress as of May 29, last reported, was $3,934,434,849,742.96. On a per capita basis, every man, woman, and child owes $15,317.49, thanks to big spenders in Congress for the past half century. Paying interest on this massive debt will now average approximately $1,127.85 per year per each man, woman, and child in America. And that comes to a grand total of about $4,511.40 to pick up that tab as it now stands before the Government.

A TRIBUTE TO PHILIP HABIB

Mr. CRAIG. Mr. President, I want to call attention to an article in this Sunday's Washington Post recognizing the late Philip Habib as a great diplomat of our Government throughout time, because he was a graduate of my alma mater, the University of Idaho.

Mr. President, the art of statecraft lost a true master last week. The State of Idaho and its land grant school, the University of Idaho, lost a son and brother of whom we were more than proud.

Philip Habib preceded me at the university by several years. His reputation as a superb craftsman of the building blocks of world peace, however, had already been established by the time I came there. That reputation was to grow in the ensuing years as his accomplishments multiplied.

Many of the structures he helped put in place are the primary reasons we are at peace today, and have given us a start toward the permanent peace we all seek to build in the world.

Philip Habib's tools were a superb intellect, striking modesty, a keen sense of humor, and an unshirking dedication to honesty in all things. None of us could select a more lofty or appropriate role model.

He then deserves to be memorialized in this body and before the American people he served so well. Therefore, I ask unanimous consent that the following remarks by his former colleague Richard Holbrooke, printed this past Sunday in the Washington Post, be printed in the RECORD.

I highly recommend that my fellow Senators read this article with close attention to its application to their own service.

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

[From the Washington Post, May 31, 1992]

PHILIP HABIB: BRAVE BUREAUCRAT

(By Richard Holbrooke)

When a Brooklyn kid from a Lebanese Christian family named Philip Habib joined the Foreign Service in 1949, he was entering hallowed precincts then reserved almost exclusively for members of what Joseph Alsop later called the "WASP ascendancy." Yet when he died last week at 72, Phil Habib's name had long since taken its place alongside those of men like Charles Bohlen and George Kennan as one of the preeminent career diplomats in American postwar history. The kid from Brooklyn had lived out an inspiring American success story and offered our generation a triumphant, but unfortunately rare, example of professionalism and public service.

Even when he was a tough-minded and valued adviser to secretaries of state (from Rusk to Schultz) and presidents (Johnson to Reagan), he still marveled at his own success. National service had taken Phil Habib out of Brooklyn, but you couldn't take Brooklyn out of Phil Habib. Once, on his way back from a high-level meeting, he ran into a friend on the street. "Look at these," he said, holding one foot in the air and pointing at his shoes with a combination of pride and amazement. "They cost $100. Can you believe that I could ever spend $100 for a pair of shoes?"

George Kennan, the most famous career diplomat of the century, will always be remembered for his intellectual contributions to the creation of the postwar world. Phil Habib, the Foreign Service officer of his generation, was almost the exact opposite: the operational diplomat without peer who carried out the most difficult assignments with consummate skill but at the same time spoke his mind frankly only in private. (Kennan, of course, became famous for his public statements.)

But Habib, like Kennan, was that rarest of people, a brave bureaucrat, telling the most senior members of five administrations the truth as he saw it no matter how unwelcome it might be—and still keeping their respect—indeed, affection.

In part he did this by keeping his personal dissents on policy carefully hidden from public view; even among his many friends in journalism, he was a famously "lousy source."

But plenty of people in Washington don't tell the press exactly what they think. Phil's true value to the nation came from personal values that he brought to public service—honesty and integrity. When he told the famous Wise Men's dinner in March of 1968 that the war in Vietnam could not be won within a reasonable period of time, his words were painful for him and decisive to his distinguished audience of senior presidential advisers. They carried special weight because he had to say them in front of his immediate superiors, including Dean Rusk, who, although greatly disturbed by them, never waivered in their support of the mid-level diplomat. That critical moment in the history of the Vietnam War—also the most memorable moment for Phil in his own career—was only the beginning of two more decades of assignments of ever-greater importance in the Middle East, Central America and East Asia.

While personifying the American dream, Habib loved to complain about the decline and fall of almost everything, and this sometimes gave him an almost Archie Bunker-like quality. But Phil enjoyed his own life, and the human comedy in general, as much as anyone I have known. His zest for living kept him alive—and those who loved him in awe—for 20 years after a series of heart attacks that should have felled him. Those years, in which arduous diplomatic assignments and three-star restaurants alternated with painful and dangerous surgical procedures, were productive and satisfying.

The Foreign Service was always his greatest love, and he lived to see its leadership pass to a generation of officers whom he had played a central role in choosing. Nothing made him more proud than the arrival of "his boys" at the top. But none of them matched his unique combination of intelligence, integrity, humanity and humor—all of which he imposed on an environment that normally punished his kind of candor.

Phil's answer to this would have been characteristically simple: Let's stick, in both our foreign policy and our professional lives, to the very American values that had propelled him out of Brooklyn and onto the world stage.

Mr. CRAIG. I yield back the remainder of my time.

The PRESIDING OFFICER. Time is yielded back.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for recessing at 12:30 p.m. be postponed for 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Senate continued with the consideration of the bill.

Mr. DECONCINI. Mr. President, I ask unanimous consent that at 2:15 p.m. today, there be 45 minutes remaining for debate on the bill, with the time controlled as follows: 25 minutes total under the control of myself, the Senator from Arizona, and the Senator from Utah [Mr. HATCH]; 15 minutes under the control of the Senator from Iowa [Mr. GRASSLEY]; 5 minutes under the control of the Senator from New Jersey [Mr. BRADLEY]; further, that when all time is used or yielded back, the Senate without intervening action or debate proceed to the vote on final passage of S. 474.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:35 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Am I accurate in stating that I have time reserved for me to debate on the bill itself?

The PRESIDING OFFICER. The Senator is correct. The Senator from Iowa has 15 minutes allocated on the bill from the time that has been allocated the Senator from Arizona and the Senator from Utah.

Mr. GRASSLEY. Let me announce to the body that I do not think I will use my entire time. If there are those who want to use some of my time, they should make that known very quickly because I want to yield back time and not prolong the debate.

Mr. President, I want to take this opportunity to explain my reasons for opposing this bill. I want to state again at the outset that I am not here as an advocate for legalized gambling. On the contrary, it is my desire not to see an expansion of gambling on sporting events or under any other terms.

Gambling is a danger to our society. I firmly believe that controlling it is very necessary, but I do not want to be in a position of promoting it.

I know this legislation does not deal with that, but there are other things about the bill that I do have problems with because this bill is not about banning gambling. It is about the power of organized sports. I know that is not a popular view. After all, many Americans get a lot of pride and pleasure from watching their favorite sports teams compete, and our athletes are the heroes to our children and oftentimes great models for the youths in our society.

I will tell my colleagues that being a good first baseman like Stan Musial was a goal of mine. I never attained that. I do have my heroes out there in sports as well. But I want my colleagues to get it right. The sports leagues do what is in their economic interest, and they have determined that stopping the spread of sports lotteries is in their economic interest.

I want to share an example from a recent issue of Forbes magazine, and I ask unanimous consent that entire article be printed in the RECORD. But I want to highlight it.

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

[From Forbes magazine, May 11, 1992]

BIG LEAGUE BLACKMAIL

(By Marcia Berss)

Okay, maybe blackmail is too strong a word. But what do you call it when a major league baseball team owner tells municipal officials to build the team a new stadium or he'll move the team to a city that will?

The Chicago White Sox's lead owner, Jerry Reinsdorf, played this kind of hardball with Illinois pols and won. In 1988 Reinsdorf told then Chicago Mayor Harold Washington and then Governor James Thompson that he'd move his team to St. Petersburg, Fla. unless a new ballpark was built. The threat paid off. Last year the Chicago White Sox began playing in the spanking-new, $135 million Comiskey Park. The stadium is funded by a 2% local tax on hotel and motel rooms; the White Sox will pay rent on the facility, but only if attendance and media revenues rise above specified levels.

It didn't take owners of other major league teams long to follow Reinsdorf's lead. A new $206 million stadium opened last month for the Baltimore Orioles; the team's former owner, the late Edward Bennett Williams, refused to sign more than a one-year lease at the old Memorial Stadium. The city was still smarting from the loss of its pro football team to Indianapolis; Maryland officials arranged for a new baseball park financed via lottery revenues. The Orioles will pay rent on their new quarters only if they show a profit.

The Cleveland Indians have one of the worst attendance records in baseball. But in 1990 voters in that city narrowly approved a tax to build a new ballpark; a similar plan was decisively defeated in 1984. "There was a heightened fear the Indians would leave," explains Thomas Chema, executive director of Gateway Corp., Cleveland's stadium project. In 1994 the Indians will trot onto a new baseball diamond.

Robert Milbourne, executive director of the Greater Milwaukee Committee, is trying to get a new ballpark for the Milwaukee Brewers. The team's owner, Bud Selig, has made it plain that he'll look for a new home for the Brewers if the stadium isn't built. Milbourne's central selling point: "Without major league sports, Milwaukee would be like Des Moines."

In their negotiations with the local politicians and voters, team owners have a powerful weapon: the brand-new and empty, stadium in St. Petersburg, Fla. The city built its $115 million ballpark—completed in 1990—hoping that a team would come once the park existed. Sadly, one hasn't. Last year St. Petersburg failed to get one of the expansion teams created by the National League; the teams were awarded to Denver and Miami. Now the city's empty stadium serves as a stalking horse for team owners trying to get new ballparks or better leases in their hometowns.

Behind the owners' push to get taxpayers to give them better and cheaper facilities is the fact that big league baseball economics are as bad as they've every been. Player salaries (about half of a team's expenses) continue to escalate—witness the $6-million-a-year contract Chicago Cubs infielder Ryne Sandberg signed in March. Average player salaries jumped 50% in 1991 over 1990 levels.

Meanwhile, broadcast revenues are likely to fall. CBS is paying the American and National league teams $1.06 billion for national broadcast rights for the 1990-93 seasons—60% more than the prior contract. The deal's been a bust. CBS has already written off $443 million from baseball. National sports network ESPN paid $400 million for rights to broadcast big league baseball on cable TV. But ESPN, too, is losing money on the deal.

Annual attendance growth at the parks is a weak 2% as fans vote with their feet against rising ticket prices. The new ballparks are smaller than the old ones but are built with lots of luxury suites marketed to local corporations for entertaining. Sell 100 of these suites at a typical $80,000 per season, and the $8 million revenue for the team nearly doubles the $10 million a year that a weak-drawing team may bring in at the turnstile.

Will new stadiums reverse the fortunes of financially weak teams? No, but like a new coat of paint on an old house, the better facilities might make a team more salable. That's worth noting, because nearly one-third of the 26 major league baseball teams are currently for sale. Says Dean Baim, a Pepperdine University economist and analyst of the baseball business: "The owners are trying to get out while the getting is good." Voters beware.

Mr. GRASSLEY. It is titled, "Big League Blackmail." And it is about the threats that major league baseball teams are making to the cities which host them. If the cities do not provide new stadiums and favorable leasing terms, the teams threaten to leave.

Baseball Commissioner Fay Vincent just a few weeks ago at a Judiciary Committee hearing said that baseball's antitrust exemption helps make sure

that a team does not leave a city in a huff for a better offer across the country. But this article dispels that myth. The teams threaten all the time to leave until they get the right deal.

Let me tell you, as an example, what is going on in Milwaukee.

There, according to this article, the Brewers are threatening to leave unless they get a new stadium. The official who is in charge of trying to get a new ball park believes the threat is real, and he makes his point by telling city officials that "Without major league sports, Milwaukee is like Des Moines."

Well, Milwaukee will never be like Des Moines, IA, I assure you, because Des Moines, IA, is a great city. But we do not have major league sports in Iowa. We do, however, have an outstanding Triple A team. But we Iowans do not believe that the quality of life revolves around whether we have a sports team. And, aside from our Triple A team, we have some outstanding college and even high school sports, from volleyball and girls' basketball to football.

But the sports leagues exert a great deal of influence around here. If there are teams in your State, you want to stay on their good side. Because, otherwise, you might find yourself without a team when you wake up one morning.

Your mayors and Governors give them new stadiums and tax breaks, and we give them an antitrust exemption. But that is not enough. Now we have to penalize 45 other States through this legislation, because the sports leagues claim that they can only protect the public by having Congress ban sports lotteries in 45 States.

I do not doubt that they are sincere when they say gambling corrupts sports. It does. But this bill will not prevent or crack down on sports gambling. It will just prevent 45 States from doing what 4 other States can do.

In 1990, State-run lotteries provided close to $8 billion in net revenue to the 32 States which have them. The lotteries' revenues fund education, senior citizen programs, and economic development programs, just to name a few. This is the revenue source that this bill will shut down, just at a time when here in Washington we are telling the States that we cannot fund their programs.

There is another troubling provision in this bill, and that is the enforcement mechanism. The sports leagues and teams, in addition to the Attorney General, have standing to sue for a violation. I am baffled as to why the sports leagues need the right to sue for enforcement. The bill does not provide that any damages can be awarded, just that the lotteries can be enjoined.

Why can the Attorney General not handle this responsibility? That should be a perfectly adequate enforcement mechanism, unless the sports leagues are going to use this as a precedent to go after the States or individuals on other theories in the future. We seem to be at the top of one of those slippery slopes.

Mr. President, I fail to understand why the leagues cannot press their case at the State legislatures to ensure that lotteries are properly regulated. They want Congress, by banning 45 States from sports lotteries, to do their work for them. After all, 32 States have lotteries. Those lotteries are carefully regulated. And as the arms of the State government, those lotteries are accountable to the people on the issues of fairness and honesty and protecting the public welfare.

We need not, Mr. President, displace the States from regulating activities that they are very capable of regulating, and do everyday. I also want to note that when this bill came out of the Judiciary Committee last year, three States were grandfathered in. Now today it is up to four States.

The bill's supporters want to move it now so that they do not have to extend the grandfather clause to any other States. Well, instead of expanding the grandfather clause, the sports leagues should have taken the principled position, banned it across the board in all 50 States, and stand up for what they say they believe in, without exception. Instead, a few States have clout, and so they are exempt. It is really not the way we should be passing this legislation.

Finally, Mr. President, I want to note that in promoting this bill, the sports leagues have made their position on gambling clear: They do not want sports events to be the subject of gambling. They do not want to see a connection or link between gambling and sports. I do not have any quarrel with that position. I support that concept.

But the sports leagues are closely linked to the promotion of alcohol. In the public's minds, sporting events go hand-in-hand with consuming alcoholic beverages. Sports programming is filled with commercials for this sort of beverage. And while the sports leagues and teams may not have direct control over the content of advertising, they can't deny the close link in the public's mind between consuming alcohol and watching sports.

I do not think any one of my colleagues would disagree that alcohol is as gravely harmful to our youth as gambling is. So it is time to break the connection between sports and alcohol. I challenge the sports leagues to take the lead, to end this sort of link, and to put a distance between themselves and sporting events on the one side, and alcoholic beverages on the other side. Athletes and their teams should tell young people the dangers of alcohol—the same way that they want to make sure that gambling does not influence our young people.

I think that would be a very important message to send to the young people of America, in the same vein that they are trying to end the connection between sports and gambling.

I know that my view opposing this bill, because it is inconsistent and exempts four States, is not going to be a prevailing view in this Chamber today. I strongly believe that we ought to be consistent in the passage of our legislation. We should treat all States the same, and if this message is good for gambling, it should also be applied to the connection between alcoholic beverages and sports, because that association has negative consequences for the young people of America.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I will be brief. I want to make several points. I support the legislation before the Senate in its present form. I would prefer that sports betting be banned in all States in the United States. I think 45 States is better than none. My State has a gaming industry. It is an industry run by competent business professionals, and the public interest is served through vigorous regulation by the State of that industry.

But I cannot go along with sports betting. I think it is a mistake. I think it will not eliminate the illegal gambling. In fact, a 1988 study in New Jersey by the New Jersey Advisory Commission on Gambling concluded that legalized gambling has reduced neither the magnitude nor the frequency of illegal gambling in New Jersey.

Mr. President, the reason legalized sports betting would not eliminate illegal betting on sports is that the illegal sector would still offer better odds, easier credit and, of course, the opportunity to avoid taxes.

I think it is an illusion to say this would eliminate or dramatically reduce illegal sports betting. To the contrary, it would lure a lot of young people into the betting business. And make no mistake, this would not be sports betting only on the Super Bowl, or the finals of the NBA, or the World Series. This could be sports betting on every college game in your State; on every junior college game in your State. It could get totally out of hand.

So, Mr. President, where sports gambling occurs, I think fans cannot help but wonder if a missed free throw, or a dropped flyball, or a missed extra point was part of a player's scheme to fix the game. If sports betting spreads, more and more fans will question every coaching decision and every official's call. All of this puts undue pressure on players, coaches, and officials, and State-sponsored sports betting could change forever the relationship between the players and the game, and

the game and the fans. Sports would become the gamblers' game and not the fans' game, and athletes would become roulette chips.

I do not believe that this is what we want in this country. People say, well, you know there is illegal betting on sports now. That is true. I have seen the effect of that firsthand.

I remember one game in Madison Square Garden. Toward the end of the game, one of my teammates happened to throw the ball up. We were ahead 6 or 8 points, I forget which. He threw the ball up at the other end of the court and the ball went in the basket. The next week, the press speculated about whether it was timed to beat the line on the game. It was this kind of speculation and this kind of accusation that will be fed if we put the imprimatur of the State on sports betting.

Earlier in my life, when I was in high school and college, there were major sports scandals. Sports-fixing scandals. But the State came in and said this is wrong, and vigorously prosecuted. If we have the State sponsoring sports betting, legitimizing it, this would promote activity such as the scandal that I remember. For those who say that there is no Federal role here to prohibit sports betting, I would simply cite title 18 of the United States Code, which prohibits the use of various interstate instrumentalities in connection with lotteries; 18 U.S.C. 1301 to 1304.

It was in 1957 when Congress exempted State lotteries from those prohibitions. While it did so, it specified that State sports lotteries would remain subject to those prohibitions, and did so by providing that the lotteries to which the exemption could apply could not be lotteries that include "the placing of bets or wagers on sporting events or contests."

Mr. President, I ask unanimous consent to have another 3 minutes.

The PRESIDING OFFICER. Does the Senator from Arizona yield another 3 minutes to the Senator from New Jersey?

Mr. DECONCINI. I yield whatever time the Senator from New Jersey wants.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. BRADLEY. So title 18 also makes it a Federal offense to influence or attempt to influence by bribery any sporting contest. According to 18 United States Code 224, which is the one I just read; the offense is punishable by a fine of up to $10,000 and imprisonment up to 35 years, or both.

This is not merely assimilative conduct which is criminal under Federal law because it is criminal under State law. Congress thus recognized a distinct Federal interest in protecting sports from corruption.

Mr. President, that is what this bill is attempting to do in prohibiting sports betting in 45 of the States in this Union. It is strongly supported by professional and amateur sports organizations, by law enforcement agencies and authorities, by church groups, and by newspapers across the country.

I ask unanimous consent that editorials in opposition to sports betting and in support of this legislation be placed in the RECORD at this time.

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

[From the Trenton Times, Feb. 16, 1992]

SPORTS GAMBLING: BAD IDEA

New Jersey has more than enough forms of legalized gambling (not even counting the stock market) to accommodate anyone who cares to risk a buck, or a bundle, on his luck or his skill. There's church bingo at one end of the spectrum and the casinos at the other, and in between are the lottery, betting on thoroughbred racing, betting on harness racing, betting on simulcasts of races elsewhere. Who needs additional outlets?

Some legislators seem to think New Jersey does, and what they have in mind is sports betting. The proposal is being touted as a great source of "painless" state revenue—aren't they all?—and is getting a particularly friendly look these days because of a shortfall in the Casino Revenue Fund, which pays for services for senior citizens and the disabled. Money from sports betting could replace the lost casino revenues and there would be no need to raise taxes or cut popular services, goes the reasoning.

It's a bad idea, and not merely because it would get the state still deeper into the unsavory business of persuading people to throw their money away. It would compromise sports, turning what is now a popular and exciting entertainment into just one more variation on rolling the dice. Sen. Bill Bradley, a former pro basketball player, has a bill in Congress that would forbid states to take this shameful route. It's a good proposal. But New Jersey should reject sports gambling on its own.

[From the Bergen Record, Mar. 16, 1992]

BAD BET FOR NEW JERSEY

You could see it coming. When New Jersey legalized casino gambling, it stipulated that the state's share of the proceeds pay for a range of programs for the aged and disabled. That was all very nice, but what would happen if casino revenues dropped to the point where they could no longer pay the full cost of the programs? The unstated plan was that gambling would be expanded, of course.

It's beginning to happen. The Casino Revenue Fund is expected to run up a deficit of $156 million by June 1993. To alleviate the problem, Republican Assemblymen Robert Singer and Melvin Cottrell of Ocean County want to legalize sports betting in Atlantic City's gaming halls. They're proposing that voters be asked to approve a constitutional amendment to that effect in November.

That's a terrible idea. Virtually all sports organizations oppose legalized sports betting on grounds it could compromise their athletes. Imagine the point-shaving scandals that may be in the making.

Far more important, however, is the fact that legalized sports betting in New Jersey would add to the impression—especially among the young—that gambling is an admirable activity.

Think of it: New Jersey already encourages gambling in the form of a state lottery, horse racing, and casinos. Next to Nevada, it is the second leading state for gamblers. We're a magnet for losers.

If sports gambling were legalized, New Jersey would be encouraging bets on baseball, football, and basketball—all of them followed intensely by young people. Instead of trying to create an atmosphere that New Jersey residents can take pride in, backers of sports gambling are adding to the state's reputation for sleazy behavior.

Obviously, even sports gambling won't fulfill the state's never-ending need for revenue. The Casino Revenue Fund would still have a deficit, and Trenton will be averse to raising taxes or cutting back heavily on programs for the aged.

So what's next? Maybe we could lower the legal age so that children could bet on Little League games.

[From the Bergen Record, June 28, 1991]

CONGRESS SHOULD HALT LEGALIZED SPORTS BETTING

Commissioners of major league baseball, basketball, and football urged Congress this week to halt the spread of legalized sports betting across the nation. Representatives of revenue-hungry states, and of casinos eyeing millions of dollars in new profits, are complaining. But Congress should ban new state schemes to sponsor gambling on football or other sports. Legalized gambling could corrupt professional athletics. The United States already has too many forms of betting. The last thing the nation needs is a new enticement to gamble.

Paul Tagliabue of the National Football League, Fay Vincent of Major League Baseball, and David Stern of the National Basketball Association all testified before a congressional subcommittee Wednesday. "We do not want our games used as bait to sell gambling," said Mr. Tagliabue.

Mr. Tagliabue knows as well as anyone that illegal betting on football is already something of a national passion. But he and other commissioners argue that there's no reason to make gambling opportunities even more available.

As the recession forces states to search for new revenue, legalized sports betting looks like the next stop on government's eternal search for a painless fiscal cure. Oregon has a lottery tied to the outcome of pro sports, and Nevada allows sports betting in casinos.

Jack Gallaway, president of Trop World Casino and Entertainment Resort in Atlantic City, says sports betting should be the next major item on the New Jersey casino industry's agenda. And Steven Perksio, chairman of the Casino Control Commission, sounds favorable to the idea. Race track operators, fearing even stiffer competition from casinos, say they would want a piece of any new action. The pressure is on, and building.

Sen. Bill Bradley, a star with the New York Knicks before he entered the Senate, is among the cosponsors of the bill to ban new sports betting. As the commissioners testified, legal sports gambling leads to a situation in which fans start cheering to beat the spread, not just for the home team to win. "When our fans begin to leave games feeling disappointed or cheated even though 'their' team has won, that spells trouble," said the NBA's Mr. Stern. Legal betting would also make it more likely that underworld types would try to fix a game. Even if that didn't happen, fans would be suspicious.

Gambling fever has gripped the United States. Almost every state in the nation now has some form of gambling, from jai alai to

greyhound racing to casinos. For people who like to gamble, and who can bet sensibly, there are abundant opportunities.

But some people can't bet sensibly. Encouraged by billboards and TV ads, they bet—and lose—their mortgage money, or the family food money. The time to call a halt is now. Congress should enact a federal ban on new forms of sports betting.

[From the Asbury Park Press, July 11, 1991]

BAN SPORTS LOTTERIES

Senator Dennis DeConcini, D-Ariz., is on the right track as he tries to derail a form of legalized sports gambling before it leaves the station. The senator has drafted a bill that would prohibit new sports lotteries in the 48 states that don't have them.

A variety of sports betting is legal in Nevada; Oregon and Delaware already have sports lotteries. Among the bill's supporters is Sen. Bill Bradley, D-N.J., a former professional basketball star. Testifying before the Senate Subcommittee on Patents, Copyrights and Trademarks, Bradley went to the heart of the issue when he said that any kind of betting on games greatly diminishes the nature of sportsmanship.

Bradley, who played for the New York Knicks, recalled that the team sometimes would be booed by the home crowd, even though it was far enough ahead to be assured a victory, because the Knicks' late scoring spree had beat the "point spread" set by the professional gamblers in Las Vegas. How humiliating, degrading and demeaning of the team's talent, pride and integrity!

Also testifying in favor of the legislation were Commissioners Paul Tagliabue of the National Football League, David Stern of the National Basketball Association, and Fay Vincent Jr., representing major league baseball. Vincent called sports gambling "inherently corrupting."

Another supporter, Mike Singletary of The Chicago Bears, said, "There is no greater threat to the role of athletics in the development of our youth than state legalized sports gambling."

Opponents of the bill include some state lottery directors, who say their governments are struggling to find revenue to replace federal funds eliminated by budget cuts. Among them is Thomas O'Heir, director of the Massachusetts lottery, who said state sports lotteries will simply divert money that otherwise would be wagered in illegal gambling or office pools—Massachusetts is considering a sports lottery that could raise between $25 million and $50 million annually.

O'Heir is dreaming. All he has to do is look at the New Jersey experience; the state has legalized bingo games, boardwalk games, wagering on horse racing seven days a week at one track or another, multiple variations of state lotteries with daily drawings, and 12 casinos in Atlantic City that may stay open around the clock on weekends. Has all this legalized gambling put the bookies and numbers operators out of business? Have office pools disappeared? The answer, of course, is no.

An organization called the North American Association of State and Provincial Lotteries also opposes the proposed ban on sports lotteries. A retired football veteran, Ben Davidson, who represented the association at the hearing, said, "The issue is not whether gambling exists, but who controls it." His reasoning is as specious as that of O'Heir.

Most of the money spent on lotteries and other legalized gambling comes from ordinary working folks, some of whom can least afford it. Can it be presumed that they will find ways to gamble that money away—legally or illegally—if opportunities to gamble are not created and promoted? Again, the answer is no. Legalized gambling, viewed in the context of a government revenue source, is simply a tax by another name.

Legalized sports lotteries would link gambling to sports, spawning suspicion about the "spread" when a batter strikes out, a field goal attempt is wide or a basket is missed. Neither the athletes nor the sports fans of this nation deserve that.

[From the Newark Star-Ledger, Feb. 9, 1992]

SPOILSPORTS

Being governor at a time the opposing party holds overwhelming legislative majorities is not always a bad deal. It can take the heat off a governor, and allow him to take a step back and give situations a long look. He can even suggest that his legislative opponents make some of the tough decisions.

Gov. Jim Florio has shown signs that he is not adverse to occasionally taking such a hands-off approach, allowing the Republican Legislature to try its hand at problem solving. The situation surfaced the other day in Trenton and may indicate a new approach by the Governor.

This incident involved a potentially serious problem in state government that requires attention. A fund financed by revenues from Atlantic City casinos may run a deficit of $158 million by the middle of next year. Since this fund pays for services for the elderly and disabled, there may be a need to cut these programs.

Richard Keevey, director of the Florio administration's Office of Management and Budget, informed the Legislature of the impending crisis and outlined several options. But he didn't suggest that they necessarily follow any of them.

"The Governor wants the Legislature to take a crack at solving this and we would participate with them," Mr. Keevey commented. "The ball is in their court so to speak."

Mr. Keevey presented the legislators with options ranging from cutting services to raising new revenues by requiring pharmaceutical manufacturers who benefited from the plan to pay rebates to the state. But the GOP lawmakers appeared to be looking for revenue from one option that the Governor didn't mention.

This was a plan for legalized sports betting in New Jersey. The proposal, which is being touted as a substantial revenue producer, apparently will get a full hearing in Trenton.

That is unfortunate. New Jersey has ample forms of gambling now, from the lottery to casinos to betting on flat and harness horse racing, as well as "simulcasts" of races in other states. The last thing we need is one more way to allow gamblers to loss their money—a sentiment affirmed by voters in previous referenda.

Sports betting reduces one of the most exciting forms of entertainment to mere gambling. In fact, Sen. Bill Bradley has a bill pending in Congress that would outlaw sports gambling throughout the nation, a good proposal that deserves enactment.

Perhaps there will be an upturn in the economy that will keep the senior's fund solvent. If not, money will have to be raised in a more conventional manner. Adding new and undesirable forms of gambling is not the answer.

[From the Daily Record, Nov. 29, 1991]

GAMBLING FOR DOLLARS

Some politicians in Washington and Trenton have been renewing the call for legalized sports betting as the answer to our economic ills.

The crime bill that died in Congress Thanksgiving Eve had a provision that would have exempted New Jersey for a year from a nationwide ban on sports betting. The bill would have allowed time to ask voters whether they'd like sports gambling to be allowed in Atlantic City casinos, and possibly at New Jersey's five racetracks. Now they have all the time in the world.

Currently Nevada, Oregon and Delaware allow sports betting. Nevada has it in the casinos in Las Vegas, Oregon has football lottery; Delaware has never implemented its law allowing sport betting.

Rep. William Hughes, a South Jersey Democrat, maintains he's not necessarily in favor of sports gambling. But he wants the state's voters to decide if they want in Atlantic City what's already allowed in Las Vegas.

Other proponents are more up front. They say sports betting goes on everywhere so why not take a bite from the underworld's profits?

Rep. Robert G. Torricell, D-Bergen, said: "Whether we like it or not, sports gaming is a reality; legal in Las Vegas and practiced just about everywhere else, on street corners and in office pools."

But is that any reason to elevate the Vice of sports gambling to a legal and legitimate status?

We don't think so.

Sen. Bill Bradley is taking the higher road in this debate. A former All-American basketball player at Princeton University and then a New York Knick, Bradley knows what a bookie can do to a game. He knows gambling, would raise suspicions about the purity of sports. He knows legal sports betting can poison young people's sense of fair play and sportsmanship.

There also are many people susceptible to compulsive gambling to consider. New Jersey is the only state to offer all three major forms of wagering—casinos, racetracks and a lottery. As a state we already do more than our share to promote gambling.

The debate over legalized sports gambling is an old one, and the death of the anti-crime bill in Congress leaves New Jersey with a free choice, where sports betting can indeed be legalized. But don't be fooled—its corrupting influence can only leave us poorer, not richer, as a state.

[From the New Brunswick Home News, Mar. 12, 1992]

PAYING THE PIPER

It's piper-paying time in the Legislature—time for legislators who have been loading new, senior citizen-pleasing programs onto the Casino Revenue Fund to figure out a way to close a projected $156 million deficit in the fund by next year. Unfortunately, it's a job that brings out the worst in the Legislature.

Predictably, the first solution legislators are reaching for is more gambling: If the casinos aren't generating enough tax revenue to pay for prescription drugs, utility discounts, property-tax rebates and the 20 other programs for low-income senior citizens and the disabled, why not legalize sports betting, too?

Why not, indeed. Because New Jersey already has too much legalized gambling and already is too dependent on unreliable gambling revenues. And besides, even if the voters were reckless enough to legalize sports betting, the new action wouldn't produce enough tax revenue to erase the casino-fund deficit.

The painful fact is that the Legislature must reduce the costs of Casino Revenue Fund-financed programs—by raising the income eligibility for programs, increasing copayments (particularly for the fast-growing prescription program) and looking for other cost-cutting measures. Most senior citizens would accept that if legislators would have the courage to explain how costs—and demographics—are driving the fund into the red. But for the same reason legislators have added program after program to be financed by the casino fund—because senior citizens vote—legislators are terrified of asking senior citizens to help balance the budget for those programs.

Piper-paying is tough, and the Legislature still is looking for an easy way out.

[From USA Today, June 26, 1991]

STATES SHOULD KEEP OUT OF SPORTS BETTING

States are becoming addicted to gambling.

Gambling is big business: $290 billion is bet each year. Like high rollers deeply in debt, states are relying more and more on games of chance to lift them out of their fiscal ruts.

Iowa, closely followed by Illinois, is leading the charge down the Mississippi with riverboat gambling.

Thirty-three states and the District of Columbia have joined in the lottery craze.

New Jersey, Nevada, and South Dakota allow casino gambling.

A USA Today survey shows 13 states have considered or are considering joining Oregon and Nevada in legalizing betting on sporting events.

That concerns the heads of all the professional sports leagues as well as amateur athletics. Today, they'll tell a Senate panel they want to keep sports gambling from spreading to other states.

Despite the views across the page, the commissioners are right.

In previous editorials, USA Today has opposed states' spending large sums on lottery promotions; it has also opposed a national lottery that would compete with the states.

Sports gambling is another bad bet for states—

Because it encourages gambling, particularly among our youth.

Because it can lead to crime; one study showed 10% of teen-agers committed crimes to support their habit.

Because money doesn't always go where it is intended; in Oregon, for the first two years, much of the revenue went into the general fund instead of college sports.

Because the odds are poor; the odds of winning Lotto America, for example, are 13 million to 1.

And because it preys upon the poor.

Gambling is especially bad for sports because it would raise concerns about the fixing of games. Fans would root for their bets rather than for their home teams.

States see gambling as a way to fill their coffers, but too many people see it as a way to fulfill their dreams.

Look across the USA, and you'll see the broken lives and unfulfilled dreams of those who took the risk—and lost.

Art Schlichter's promising National Football League career was cut short when he was suspended for gambling.

Chet Forte was at the pinnacle of the TV industry at ABC Sports until sports gambling destroyed his life.

Pete Rose was headed for baseball's Hall of Fame.

Compulsive gamblers have doubled in the last decade to 8 million—a million of them teen-agers.

Gambling is already reaching the saturation point. States should not be using sports to try to make a big score.

Mr. BRADLEY. Mr. President, the disadvantages of State-sponsored sports gambling far, far outweigh the advantages. I know that States are facing difficult financial decisions, and I recognize they are turning to gambling as a possible answer. But I think that they would be making a big mistake by legalizing sports gambling. I also believe that we have legitimate authority and interest to do what the Senator from Arizona is attempting to do with this legislation.

I think that this legislation is a step forward, would preserve the integrity of the game, and the opportunity for all young people who desire to participate in sports to regard the game as their game and not the gamblers' game.

I hope we will pass this bill by a sizable margin and move on to conference and enact it into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I yield myself 5 minutes.

Mr. President, I thank the Senator from New Jersey for his support of this bill and for testifying during our hearing. As a number of very nice things were said about the Senator this morning when he was not here, I urge him to read the RECORD. He will feel very good about it. But he deserves the leadership in having this bill before us today.

Mr. President, along with the Senator from New Jersey, I would like to enter in the RECORD several letters and resolutions—one from the State of Florida, by Governor Lawton Chiles, a former colleague here—in support of S. 474. And there is one from President Hesburgh of Notre Dame University, just to mention a few. I will put the balance of these in, as well as some editorials in support of this legislation.

I want to pay particular thanks to Jerry Colangelo, chief executive of the Phoenix Suns—my hometown—and a number of others which we will submit at this time, and I ask unanimous consent that they be printed in the RECORD.

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

THE GOVERNOR OF THE
STATE OF FLORIDA,
January 10, 1992.

Hon. GEORGE J. MITCHELL,
Russell Senate Office Building, Washington, DC.

DEAR GEORGE: I strongly support S. 474, the Professional and Amateur Sports Protection Act, which would stop the spread of sports gambling. In view of the situation we face in Florida, I was most disappointed that time did not permit action on the bill by the Senate before adjournment. I respectfully urge that the legislation be scheduled for a vote in January when Congress returns.

Sports gambling is a serious problem for Florida, especially for our young people. Just last month, our newspapers reported the arrest of a Coral Springs high school junior for running a gambling ring. Most of the bets the youth reportedly took were on professional football games. According to the Broward County Sheriff's office, the boy took thousands of dollars in sports bets from his classmates and threatened them with a fictional thug if they welshed on their debts. The boy has been charged with two counts of felony bookmaking and misdemeanor counts of gambling and conspiracy.

The last thing we should be doing is telling our young people that their government considers sports gambling to be a legitimate activity. Nevertheless, it is already apparent that proposals to legalize sports gambling will be a focus of major attention in my state this spring.

As a former Senator and a sitting Governor, I am acutely sensitive to issues of federalism and believe Congress should refrain from legislating in areas where federal jurisdiction is unclear. Sports gambling, however, has long been an area of federal concern and lawmaking. For Congress to reaffirm federal policy against sports gambling presents no troubling incursion into state authority and is, in my view, thoroughly appropriate.

Sports gambling is destructive of so many values we hold dear. It debases the athletic contests themselves and sends a terrible message to our nation's youth. I strongly urge Congress to move promptly to pass S. 474 when it returns in January.

With kind regards, I am

Sincerely,

LAWTON CHILES.
Governor.

STATE OF FLORIDA—RESOLUTION

Whereas, the State University System athletic games, the National Football League, National Basketball Association or Major League Baseball games should not be used as bait for gambling activities; and

Whereas, viewing such sporting events is a national pastime enjoyed by families and friends, men and women, and young and old; and

Whereas, many athletes become important role models for our youth, displaying ability, courage and integrity on and off the field; and

Whereas, the impact of legalized sports betting on our youth would be devastating, allowing sports to represent the fast buck rather than an arena where competition, cooperation, self-evaluation, teamwork, preparation, motivation, and sportsmanship signal success; and

Whereas, mistakes are an inevitable part of intense competition and can result in even the best players missing critical plays, the best coaches making decisions which backfire, and the game officials misjudging important calls; and

Whereas, these examples of human imperfection can affect the "point spreads" on which sports betting is based; and

Whereas, legalization of sports betting would create a pervasive climate of suspicion about any controversial play and would threaten to corrupt the games themselves; and

Whereas, sports betting would fundamentally threaten public confidence in the integrity of amateur and professional athletics: Now, therefore, be it

Resolved, That the Governor and Cabinet of the State of Florida support federal legislation which would protect professional and amateur sports from sports gambling, and encourage the Florida Legislature to oppose

any attempt to legalize such gambling activities in this state.

UNIVERSITY OF NOTRE DAME,
Notre Dame, IN, June 24, 1991.

Hon. DENNIS DECONCINI,
Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks, Washington, DC.

DEAR DENNIS: I am honored by your request that I appear before your subcommittee to discuss the problem of state-sponsored sports gambling. Unfortunately, a prior longstanding obligation will prevent my participation. However, as a co-chair of the Knight Commission on Intercollegiate Athletics, an educator and an admirer of athletics, I would be remiss to remain silent during the consideration of this important issue. Therefore, I will set forth below a summary of my views on the idea of state-sponsored sports gambling.

You, Congressman Bryant and the other members of Congress who have devised this legislation have my heartfelt support. I urge the Congress to swiftly pass this needed bill.

I long have believed that gambling of any kind its detrimental to both individuals and to society. While I realize that certain forms of gambling are inherently appealing, fortunately these activities are highly regulated, circumscribed and affect a small segment of our society. The emergence of state-sponsored lotteries and sports gambling based on amateur and professional sports, however, are cause for great concern. A dangerous precedent is set when a government places it imprimatur on such activities. In my view, the attempt to cast them in the form of a lottery is even more troubling. The so-called sports pool lotteries are misnomers. The activity is tantamount to outright wagering because the "lottery" is based on the point spreads and outcomes of sports contests.

As an educator, I also am concerned that this betting scheme will negatively affect athletes and athletics. Recent revelations concerning sports and gambling place in stark yet clear light the problems that arise from gambling and gambling-related activities. As sports gambling proliferates, athletics will increasingly be viewed as a gambling activity rather than healthy competition between schools. This trend will undermine public confidence in organized athletics despite the dedicated efforts of many to maintain that confidence. The pressures on athletes will diminish their performance and raise questions about their integrity. This could result in a negative and unfortunate impact on our youth who often view athletes as role models.

I hope that Congress will not delay in considering and passing the sports gambling legislation. It is important that the Congress make clear that these state-sponsored efforts are ill-advised and will not be permitted. Please do not hesitate to contact me if I can be of further assistance in this matter.

Sincerely,

(Rev.) THEODORE M. HESBURGH, C.S.C.,
President Emeritus.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Arlington, VA, June 21, 1991.

Hon. DENNIS DECONCINI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The International Association of Chiefs of Police (IACP), meeting at their Annual Conference in Tulsa, Oklahoma during October, 1991, passed the enclosed resolution which I am sending for your information and use. The resolution acknowledges our support for legislation you introduced in the 101st Congress to protect the service marks of professional sports organizations from misappropriation by state lotteries. We are pleased to see that you have introduced a similar bill, S. 473, in the 102nd Congress and we hope the Senate will speedily pass this legislation.

The IACP wholeheartedly supports the proposition that we should not allow the intermingling of professional sports and legalized gambling. To do so would severely undermine public confidence in the integrity of professional football, and quite possible, present the law enforcement and criminal justice systems with other problems.

History eloquently addresses the results of such intermingling: the Black Sox baseball scandal in 1919; the painful Pete Rose saga of last year; point shaving allegations involving North Carolina State University's basketball team, etc. The reasons are obvious: lotteries were created as gambling vehicles and are based on pure chance. Sports betting, on the other hand, involves gambling on the performances of human beings and were never designed to be gambling devices. We ignore this basic difference at our own peril.

Gambling is not a new topic for the IACP. As far back as 1936, the membership considered legal gambling to be a significant lure for the "criminal element" and stated unequivocally that "* * * the attraction of these criminal elements brings about definitely undesirable conditions, in that breeding sports for crime thereby result; * * *" It appears that the organization's orientation toward gambling has not changed a great deal since that time.

Thank you for your attention to this matter and we look forward to working with you to secure passage of this legislation.

Sincerely,

LEE P. BROWN,
President.

RESOLUTION—PROHIBITION ON LEGALIZED SPORTS BETTING

Whereas, In 1936 the membership of the International Association of Chiefs of Police, in a formal resolution, considered legalized gambling to be a significant lure for the "criminal element" and stated unequivocally that "* * * the attraction of these criminal elements brings about definitely undesirable conditions, in that breeding sports for crime thereby result" and

Whereas, a growing trend is being evidenced wherein state lotteries are requesting the authority to sponsor public betting on professional football games and other team sports; and

Whereas, The establishment of such a trend presents the law enforcement and criminal justice systems with additional enforcement and prosecution problems; and

Whereas, The National Football League has stated their unequivocal opposition to any and all legislation authorizing state lotteries to use the names and logos of professional football teams because to do so threatens public confidence in the integrity of professional football; and

Whereas, The National Football League has asked the IACP for their support and aid in opposing such legislation; now, therefore be it

Resolved, That the International Association of Chiefs of Police hereby formally records their unequivocal opposition to the intermingling of professional sports and legalized gambling because lotteries were created as gambling vehicles and based on pure chance, while sports betting involves gambling on the performances of human beings, and was never designed to be a gambling device, and be it further

Resolved, That the IACP endorses S. 1772, introduced by Senator Dennis DeConcini (D-AZ), and other such legalization, which would protect the service marks of professional sports organizations from misappropriation by state lotteries, and urges both the Senate and House of Representatives to speedily pass such legislation.

U.S. BASEBALL FEDERATION,
Trenton, NJ, July 24, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: On behalf of 19 million amateur baseball players in the United States and 57 million related fans, friends, and families of those players, I'm writing as the Chief Executive Officer of the United States Baseball Federation to express our support for S. 474, which would prohibit sports betting regarding professional sports.

"Whoever wants to know the heart and mind of America had better learn baseball." The majority of the American amateur sports people do not want liquor, cigarettes and/or tobacco support and/or involvement with "America's sport". America also doesn't want sports betting involvement which only leads to further problems and concerns affecting young athletes and their ultimate choice to be possibly a gold medalist in the Olympic Games and/or a professional baseball player.

As an authority in amateur baseball and a spokesman for the millions of people involved, I urge you to support the Professional and Amateur Sports Protection Act (S. 474). If you have any questions pertaining to this subject, please contact me directly at our "Homeplate" in New Jersey.

Respectfully,

RICHARD W. CASE,
Executive Director/CEO.

DREW UNIVERSITY,
Madison, NJ, June 20, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474. I commend you and your co-sponsor Bill Bradley for sponsoring this important and necessary legislation.

As Governor of New Jersey I worked to develop and encourage high quality professional and collegiate sports in our state. In fact, New Jersey has for the past two decades sought out professional sports franchises to locate in New Jersey and five professional franchises are now resident in our world renowned Sports Complex in the Hackensack Meadowlands. In addition, our universities and colleges are nationally recognized for their sports programs, as well as academics.

I believe legalized sports betting will undermine the integrity of sports and will in turn, tarnish the image New Jersey has sought to create as a home for professional and collegiate sports. Sports betting will ultimately change the nature of the games. Rather than being contests to be enjoyed for their entertainment and recreational value the games will become gambling devices. It will change fans into bettors and will surround each game with an aura of cynicism

and suspicion. Even more importantly sanctioned sports betting will undermine the value athletes have as role models for our children.

Sports betting is a national problem and, therefore, is in need of a national solution. Congress has recognized the national interest in preventing sports betting when in 1975 it barred states from conducting lotteries that involve the placing and accepting of bets or wagers on sporting events or contests, 18 U.S.C. 1307(d). Congress has also enacted legislation making it a federal crime to influence the outcome of professional or collegiate sports events.

S. 474 reaffirms existing federal policy and therefore is not a fresh pre-emption of state power. I urge Congress to enact S. 474 without delay.

Sincerely,

THOMAS E. KEAN.

OFFICE OF THE GOVERNOR,
Columbus, OH, June 27, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474, which would prohibit sports betting pursuant to state law. Federal action in this area is both appropriate and urgently required.

Sports betting is a national problem. It calls for a national solution. The harms it inflicts are felt beyond the borders of those states that sanction it. The moral erosion cannot be limited geographically. And, once a state sponsors or authorizes sports gambling, the economics will, over time, make it extremely difficult for neighboring states to resist the lure.

Congress recognized the national interest in preventing sports betting pursuant to state law when it provided in 1975 that states may not conduct lotteries that involve "the placing or accepting of bets or wagers on sporting events or contests." 18 U.S.C. 1307(d). Congress has enacted similar legislation making it a federal crime to influence the outcome of games.

S. 474 thus is fully consistent with existing federal law in this area. It reaffirms existing federal policy and represents no fresh preemption of state power. I commend you for your initiative in introducing this important legislation. I urge Congress to enact S. 474 without delay.

Sincerely,

GEORGE V. VOINOVICH,
Governor.

RIKER, DANZIG, SCHERER,
HYLAND & PERRETTI,
Morristown, NJ, June 20, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I was Deputy Attorney General of the United States with responsibility, under Attorney General Robert Kennedy, for commenting on proposed legislation at the time when the federal statute making it a crime to influence or attempt to influence by bribery any sporting contests was enacted in 1964 (18 U.S.C. §224).

The Department supported that legislation because of the strong national interest in protecting the integrity of professional and amateur sports from corruption. In reporting the legislation, the House Judiciary Committee rightly declared such corruption to be "a challenge to an important aspect of American life—honestly competitive sports."

Legislation has been introduced in this Congress (S. 474) to prohibit state sports lotteries and any other form of sports gambling sponsored or authorized by state law. This legislation is a direct descendant of the legislation enacted by Congress in 1964. It reaffirms and reinforces Congress's long-standing commitment to protecting the integrity of professional and amateur sports.

I have not changed my views in the intervening years and I wholeheartedly support S. 474 and urge its swift adoption. While I personally adhere to these views, you should know that my law firm serves as counsel to the National Football League.

Sincerely,

NICHOLAS DEB. KATZENBACH.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Overland Park, KS, June 25, 1991.

Hon. DENNIS DECONCINI,
Chair, Subcommittee on Patents, Copyrights and Trademarks, Washington, DC.

DEAR SENATOR DECONCINI: The National Collegiate Athletic Association strongly supports S. 474, legislation to arrest the spread of state-sanctioned gambling. We commend you for introducing this legislation and we urge its prompt enactment.

Gambling and intercollegiate sports do not mix. Sports gambling tarnishes the integrity of athletics competition. It unalterably taints the way fans approach sports contests. It creates suspicion and cynicism about game and performance outcomes. It degrades players in the eyes of fans generally and young people in particular. Athletic contests, both at the college and professional level, now represent wholesome family entertainment. Gambling cheapens them.

The amateur and professional sports organizations have long understood this problem and have been scrupulous to police the relationship between gambling and sports. It would be tragic if states could defeat these efforts by promoting sports gambling. Government resources must not be used for that purpose.

We are aware that many states face hard fiscal times, but to search for new revenues by exploiting the popularity of sports is truly misguided. If states choose to find revenues from gambling, surely they can devise mechanisms that have no relationship to actual athletics outcomes or performance.

Some will argue that this is an issue best resolved at the state level. We strongly disagree. Protecting the integrity of athletics is a national concern, needing uniform legal treatment. Congress has recognized this through Federal criminal statutes that penalize game fixing and bar state lotteries involving state betting. Your legislation is consistent with and complementary to long-standing Federal policy.

I regret that irreversible scheduling conflicts, involving a most important meeting of our Presidents Commission, prevent me and NCAA President Judy Sweet from voicing these views at your subcommittee's June 26 hearing, but I ask that this letter be made part of the hearing record.

Again, thanks for your leadership in this important matter.

Sincerely,

RICHARD D. SCHULTZ.

THE PHOENIX SUNS,
Phoenix, AZ, Sept. 6, 1991.

Hon. DENNIS DECONCINI,
Washington, DC.

DEAR DENNIS: I am writing to thank you for your support of sports anti-betting proposals in Congress (S. 474 and H.R. 74).

It is our feeling that proposals to establish state run sports lotteries that involve betting on professional sports games would adversely affect the teams, players and the public at large. As such, legalized sports betting represents bad public policy and should not be enacted in individual states.

The Phoenix Suns and the National Basketball Association along with the NFL, Major League Baseball, the NHL, the American Horse Council, and many other groups interested in halting the spread of sports betting on a national basis thank you for your support of these bills.

If you have any questions, please do not hesitate to contact me.

Sincerely,

JERRY COLANGELO,
President and Chief Executive Officer.

CALIFORNIA LEGISLATURE,
June 21, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474, your bill to prohibit sports betting pursuant to state law.

Sports betting is a national problem that calls for a national solution. Congress has long recognized that sports gambling is not a benign revenue source. The modest sums produced by sports wagering cannot possibly be worth the damage gambling brings to the integrity of athletic contests. In addition, state-approved sports betting sends the harmful message to our nation's youth that gambling and sports are compatible.

Thank you for sponsoring this important piece of legislation. Please add my name to the measure's growing list of supporters.

Sincerely,

ROSS JOHNSON,
Assembly Republican Leader.

CALIFORNIA STATE SENATE,
June 19, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474, a bill which would prohibit sports betting pursuant to state law. I believe that federal action on this issue is both prudent and consistent with past congressional legislation.

Sports betting is a national problem that calls for a national solution. Congress has long recognized that sports gambling is not a benign revenue source. Federal legislation (Title 18 U.S.C. Section 1307 (d)) permitting states the exemption to conduct lotteries already prohibits sports betting. Last year, both Houses of Congress passed legislation very similar to the bill now pending, after concluding that additional legislative clarity was needed.

S. 474, therefore, is consistent with existing federal law in this area. It reaffirms existing federal policy and presents no new preemption of state power.

I certainly am aware of our own states' urgent need for revenue, but the modest sums produced by sports wagering cannot possibly

be worth the damage gambling brings to the actual and apparent integrity of athletic contests. In addition, state-sponsored sports betting sends the wrong signal to our nation's youth that gambling and sports are compatible.

It is time to reaffirm federal policy against sports betting. Thank you for sponsoring this important piece of legislation and add my name to the growing list of supporters.

Sincerely,

KENNETH L. MADDY.

NATIONAL ASSOCIATION OF COLLEGIATE DIRECTORS OF ATHLETICS,
July 3, 1991.

Senator DENNIS DECONCINI,
Senate Office Bldg., Washington DC.

DEAR SENATOR DECONCINI: Our Association is greatly concerned about the possibility of states being permitted to implement sports lottery games which are built upon the result of actual sporting competitions. Therefore, we are requesting your support of S. 474, "The Professional and Amateur Sports Protection Act."

If states are allowed to secure sports betting as a legal exploit, it could change the face of sporting events from outcomes based on skill and strategy as well as wholesome, family entertainment to a vehicle for gambling. Sports contests would no longer be enjoyed for the pure satisfaction and thrill of the competition, but rather for profitable gain.

No longer would bad calls, coaching decisions or mistakes by individual players be seen as part of the game. Fans would become suspicious of who was reaping the benefits of "fixed competitions" and in turn the integrity of sports would be lost.

With the loss of integrity comes the negative values communicated to the youth of our nation. Gambling is a growing problem among our youth and to promote legalized sports gambling would only escalate the situation.

In the opinion of our Association it is vital that S. 474 be enacted in order to keep the good character and sense of fairplay in both professional and amateur sporting events.

Sports was based upon pure competition, let's keep it that way. Support S. 474.

Sincerely,

MICHAEL J. CLEARY,
Executive Director.

P.S.—The above opinion is that of a national association, however, there are state universities in Nevada, Oregon and Delaware whose legislators have chosen to fund state university athletic programs with lottery dollars. These states feel each state should have the ability to choose how it funds its state university athletic programs.

FRANKLIN PIERCE COLLEGE,
June 24, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I have been informed that you have recently introduced a bill to prohibit sports betting and related activities on a national level. While many will be concerned about federal action in this area, I want you to know you have my personal support for your bill.

As a former Governor of New Hampshire and now as the President of a small liberal arts college for the past sixteen years and a member of the NCAA Presidents Commission, I view sports betting as an unwelcome intrusion in what should be a wholesome and healthy interscholastic and intercollegiate experience for students. It seems far better to me, particularly when one considers the interstate character of both professional and intercollegiate sports, that the preferable way to deal with the pervasive effects of money and the inherent temptations associated with gambling is on a federal level rather than on a state-by-state basis.

I am sure you are aware that Congress has previously recognized the harmful effect of gambling on both professional and amateur sports. Title 18 of the United States Code contains a specific federal position against state sports lotteries (18 U.S.C., 1307 (d)). Congress has also made it a federal crime under Title 18k to influence the outcome of sporting events.

The proposed legislation, S.474, is consistent with an existing federal law and poses no threat to present state laws in this area. I hope that swift consideration and prompt action will be taken on this legislation to protect the integrity of professional and amateur sports and to preserve the values they represent to America's young people.

Sincerely,

WALTER PETERSON,
President.

NEW JERSEY SENATE,
June 20, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, Senate Judiciary Committee, U.S. Senate, Washington, DC.

Re: Professional and Amateur Sports Protection Act (S-474)

DEAR SENATOR DECONCINI: I am writing to express my support for Senate Bill 474, a bill to prohibit state sanctioned or state run sports betting operations. I understand that your subcommittee will be hearing this legislation on June 26th and I hope you will act favorably upon it.

I am immediate past president of the State Senate in New Jersey and a former prosecutor. I have seen first hand the tragedy of state sponsored and state promoted gambling activities luring families with limited incomes into financial hardship and ruin. I have seen our state become overly addicted to gambling as a source of revenue to fund essential services.

Sports betting is a national problem that calls for a national solution. Congress recognized the potential dangers of sports gambling when in its legislation authorizing the states to conduct lotteries (18 U.S.C. 1307) it specifically prohibited sports betting in that connection.

Senate Bill 474 therefore is consistent with existing federal policy in this area and presents no new pre-emption of state power.

With the possible exception of Nevada, New Jersey is the most heavily dependent state on gambling as a source of revenues. Though I have consistently opposed such measures throughout my legislative tenure, others in government have found the lure of "easy money" too hard to resist. In short, we may need federal action to save us from ourselves.

New Jersey is proud to host five professional sports franchises at our world renowned Meadowlands Complex as well as to have outstanding intercollegiate athletic programs at our colleges and universities. I would not wish to see them tarnished by an association with legalized gambling. State sponsored and promoted sports betting would send the wrong signal to our nations youth: it would tell them that gambling and sports are inextricably intertwined and the state encourages participation in wagering on the outcome. Our kids would go to the games no longer to see who wins or loses but merely to find out if the point spread is covered.

I am pleased that Senator Bradley who is certainly not without experience in the athletic arena has joined with you in seeking to reaffirm the federal policy against sports betting. I hope you will be successful in moving this legislation expeditiously.

Sincerely,

JOHN F. RUSSO,
Senate President Pro Tem.

[From Sports Illustrated, Aug. 26, 1991]

A LOSING BET

(By William F. Reed)

Whenever I go to the racetrack, which is considerably more often than the average citizen, I bet on almost every race. I like the action. I like having a personal rooting interest. What's more, I see absolutely no contradiction between my betting at the track and the fact that I'm dead-flat opposed to any further legalization of gambling on baseball, football, hockey and basketball.

Sure, I've heard all the seductive arguments in favor of legal sports gambling. The main one is that because illegal gambling on sports events is already at least a $38 billion-a-year industry, why not take it away from criminals and put it into the hands of the states? That would remove the stigma from gambling, put illegal bookmakers out of business and give cash-starved state governments a lucrative source of revenue. Simple, huh? Well, don't believe it. I say such a plan would be opening new cans of worms.

The way I see it, there's already too much legal gambling. As recently as 15 or 20 years ago the only places in this country where you could get a bet down without breaking the law were racetracks and the Nevada casinos. The gaming industry was so limited that many people who had no business gambling were discouraged from doing so. To go to a track, for example, you had to have the money for transportation, admission, a program and the Daily Racing Form. In addition to the cost, not everyone could afford the time or the trouble. Sure, there were bookies, but many people were—and are—reluctant to indulge in an illegal activity.

Now, however, we are a nation of gamblers, mainly because legal betting has become so readily available. Off-track betting, which operates in 11 states, is as much a part of some neighborhoods as the convenience store. Casino gambling in Atlantic City is within a day's drive of 60 million people, and you can even play craps and blackjack on riverboats in Iowa and soon in Illinois. Most insidious of all are the various state lotteries, which expose government at its greedy worst.

Even though a lot of lottery tickets are sold to the people who can least afford them, states shamelessly pour millions of dollars into promoting and glamorizing their lotteries instead of emphasizing that the chances of winning are umpteen million to one. The longest shot at the racetrack is far more likely to be a winner than a ticket in most lottery jackpots, yet the public keeps pouring billions down the drain. And to this we're going to add betting on games?

Aside from concerns that the passion to get rich quick through gambling is replacing devotion to hard work and saving as the American way, here are five reasons to oppose further expansion of legalized sports gambling:

Expansion of legalized gambling would induce even more people to become bettors.

That, in turn, would only lead to a higher incidence of compulsive gambling. If the sad case of Pete Rose served any useful purpose, it was to emphasize that addiction to gambling can be just as ruinous as addiction to alcohol or drugs. At least Rose could afford his habit better than many others can. How about the thousands of families that are destroyed each year because the breadwinner taps out? How do we reconcile the notion that government is supposed to protect the public welfare with the idea of its simultaneously promoting an activity certain to increase a debilitating addiction?

Fan hostility toward athletes, already a growing concern, would only increase. With more second-guessing, especially about crucial decisions and plays that affect the point spread. My hunch is that legal betting on soccer in Europe has to be one of the factors behind the many riots that mar matches there.

Increased gambling on baseball, football, basketball and other sports would have a serious negative impact on horse racing and dog racing simply because team sports are so popular. Some may shrug this off as the law of the marketplace, and of course it is. But do states really want to risk further damaging industries that have proven their ability to generate thousands of jobs and millions of dollars in revenue but are already showing signs of weakness?

Legalized gambling would not drive the illegal bookmakers out of business because state-run betting operations would not be able to issue credit, which is one of the bookies' major enticements to gamblers.

Legalized gambling just doesn't make sense from a practical standpoint. For openers, who would establish the betting line? Are states willing to trust some guy in Las Vegas? How would the states know that the oddsmaker would not be susceptible to a bribe? What would a state do if it suddenly found itself taking a bath because of a bad line? A bookmaker can balance his books by laying off bets with other bookies. I'm not sure states would be willing or able to do the same thing.

Oh, yes, I also should mention the moral contradictions. Let me see if I've got this straight. The numbers rackets is illegal if it's run by mobsters but perfectly all right if the states run it and call it a lottery. And betting on games is illegal if you call your friendly neighborhood bookie, but it's O.K. if the government gets into it. Everybody see the difference? If so, there are a lot of guys in jail for illicit gambling—most of whom have been apprehended at considerable cost to the taxpaying public—who would like an explanation.

[From USA Today, June 26, 1991]

STATES SHOULD KEEP OUT OF SPORTS BETTING

States are becoming addicted to gambling.

Gambling is big business: $290 billion is bet each year. Like high rollers deeply in debt, states are relying more and more on games of chance to lift them out of their fiscal ruts.

Iowa, closely followed by Illinois, is leading the charge down the Mississippi with riverboat gambling.

Thirty-three states and the District of Columbia have joined in the lottery craze.

New Jersey, Nevada, and South Dakota allow casino gambling.

A USA Today survey shows 13 states have considered or are considering joining Oregon and Nevada in legalizing betting on sporting events.

That concerns the heads of all the professional sports leagues as well as amateur athletics. Today, they'll tell a Senate panel they want to keep sports gambling from spreading to other states.

Despite the views across the page, the commissioners are right.

In previous editorials, USA Today has opposed states' spending large sums on lottery promotions; it has also opposed a national lottery that would compete with the states.

Sports gambling is another bad bet for states—

Because it encourages gambling, particularly among our youth.

Because it can lead to crime; one study showed 10% of teen-agers committed crimes to support their habit.

Because money doesn't always go where it is intended; in Oregon, for the first two years, much of the revenue went into the general fund instead of college sports.

Because the odds are poor; the odds of winning Lotto America, for example, are 13 million to 1.

And because it preys upon the poor.

Gambling is especially bad for sports because it would raise concerns about the fixing of games. Fans would root for their bets rather than for their home teams.

States see gambling as a way to fill their coffers, but too many people see it as a way to fulfill their dreams.

Look across the USA, and you'll see the broken lives and unfulfilled dreams of those who took the risk—and lost.

Art Schlichter's promising National Football League career was cut short when he was suspended for gambling.

Chet Forte was at the pinnacle of the TV industry at ABC Sports until sports gambling destroyed his life.

Pete Rose was headed for baseball's Hall of Fame.

Compulsive gamblers have doubled in the last decade to 8 million—a million of them teen-agers.

Gambling is already reaching the saturation point. States should not be using sports to try to make a big score.

[From the New York Times, Apr. 22, 1991]

SHAME OF THE STATES

(By William Safire)

HARPER'S FERRY, W.VA.—In Deadwood, S.D., where in 1876 Wild Bill Hickok was shot in the back during a poker game while holding a hand of aces and eights, gambling was re-introduced in 1989. Despite a betting limit of $5, the amount wagered by tourists and other suckers in the once-moribund town has already passed a third of a billion dollars.

That's only for openers. South Dakota's state lottery, reaching for the youth market, has also invested in video games, the modern equivalent of state-sponsored slot machines. West Virginia is experimenting with video machines at racetracks.

New York and Connecticut up the ante with telephone off-track betting, likely to spread to faxes and computer modems for hacker-touts. And liberal Iowa, on the pretense of reviving interest in the less savory elements of its history, has launched riverboat gambling on the Mississippi—retaining 20 percent of casino winnings, which longtime gamblers grumble is too much vigorish.

All this means that Americans at the state level are deciding that gambling is good—not just a tolerable evil, but a positive value. Gambling has become a goal of public policy.

Only a few years ago, proponents of state lotteries were claiming that state control would channel the profits of an unstoppable human frailty toward good ends. Why let numbers racketeers and Mafia casino operators bilk the public, their argument went—why not steer those ill-gotten gains into public schools.

The answer is spreading like a poison through state and local governments: immoral means have never led to moral ends. We are no longer skimming the profits from a criminal activity: we are putting the full force of government into the promotion of moral corruption.

What am I, some kind of stiff? Is a friendly game of gin rummy at a penny a point to be frowned upon, or a church social that raises its costs at a bingo game to be condemned, or a privately owned gambling yacht catering to rich drunks cause for conservative concern?

I'm a libertarian. If people want to titillate themselves with a game of chance, or delude themselves into thinking they can beat the odds, that's their private business. I just do not think it should be the public business.

Gambling promotion has become a key to state budget-balancing. Card-carrying right-wingers are not supposed to mind taxing the poor, but really soaking the poor—as this excessively regressive taxation does—sticks in my craw.

Why? Because it is wrong for the state to exploit the weakness of its citizens. It is the most unfair and painful form of "painless" taxation. The money isn't coming from a few big bookies and croupiers, but from the pockets of millions.

And gambling taxation feeds on itself. We cannot give up the state income from betting, say legislators who feel guilty about pretending that gambling is good, because the states have become dependent on the money, or because other states will use casinos to lure their tourism. They have become as hooked on gambling as a source of revenue as any compulsive gambler betting the milk money.

Here's what you can do to stop the explosion of government-sponsored gambling:

Tell your local television anchor you've had it with media hype and gambling. Features of giggling lottery winners or hoohahing over million-dollar jackpots is cheap-shot journalism, show us some people impoverished by gambling, or expose the cost of the state bureaucracy pushing it.

Apply truth-in-advertising to state sponsored slots, lotteries and video games. Display prominently the odds against winning; state the number of losers for every winner. Demand stations make free equal time available for anti-gambling messages.

Demand that gubernatorial gamesters stop using their "take" for advertising. The old numbers racket was never permitted mass-market advertising; the creation of fresh demand for gambling by a public agency is against the public interest.

Tell your kids that gamblers are life's losers. Private gambling, like prostitution, should not be illegal, but it should not be treated as a value. And to make the state hustling of gambling profits the basis for state education is like shooting Marshal Hickok in the back.

Mr. DECONCINI. Mr. President, I think it is important that we underline a couple of things. S. 474 is needed to stop the spread of State-sanctioned sports betting, clear and simple. Thirty-two States and the District of Columbia have lotteries, including my State of Arizona. Many are considering sports gambling. A number of States are considering casino-style betting, riverboat gambling, including betting

on sports. This is what we believe, by this legislation, should be prohibited.

As the Senator from New Jersey points out, why raise the specter over the few dollars that might be brought into the State coffers through a sports lottery or sports gaming? Why raise the specter of the doubt of the public, of the players, and certainly of the fans, that a decision made on the field by a player or a coach or an official was not made in the best interest of winning the game? I think it is just too risky for something that has served our country so well, and I hope our colleagues will pass this bill.

Mr. President, S. 474 is needed to protect America's youth. We have heard a lot about that, where there are teenagers who are attracted to gambling because it looks like big-time stuff. We realize they are still going to bet with the bookies. But why have the attraction and advertisements on television that you can bet on some player or some game this particular week by buying a lottery ticket?

It is a national problem that needs a national solution. The harm sports gambling inflicts is felt beyond the borders of those States that sanction it. I think there is erosion here that goes way beyond the geographics of a State boundary, and I think that this is a way to address this problem without using a meat ax.

S. 474 is needed to clarify and strengthen existing Federal law. The Federal lottery statute specifically excludes lotteries that involve the placing or accepting of bets or wagers on sporting events or contests. Unfortunately, this has not been interpreted to stop sports gambling, and that is what prompted this legislation.

In 1963, the Congress made it a Federal crime to fix or attempt to fix sporting contests, clearly reflecting the Federal interest in this issue. This bill is needed to protect sports gambling from becoming an acceptable form of behavior, and State-authorized sports betting carries enormous symbolism. It uses taxpayers' money to promote gambling and in an area where I do not think we can afford to let ourselves get further down that slippery slope, as the Senator from Iowa pointed out.

Legalized sports betting will not reduce illegal betting. We know that. We are not contending that is going to happen. What it will maintain is the public perception that sports, both amateur and professional, are played for the game, for the contest, and not, perhaps, because of who made a call or who bet last Saturday night.

I yield.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona controls the time.

Mr. DECONCINI. I yield the Senator from Connecticut 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. LIEBERMAN. Mr. President, I rise to speak as in morning business. I thank the Senator from Arizona for yielding at this time.

The PRESIDING OFFICER. Is there objection to the Senator speaking as in morning business? Without objection, it is so ordered. The Senator from Connecticut is recognized.

THE RISK OF RADAR GUNS

Mr. LIEBERMAN. Mr. President, I rise to discuss an issue of importance to police officers, highway patrolmen, and all law enforcement officers who use hand-held traffic radar guns. Today, Connecticut will become the first State in the Nation to outlaw the use of hand-held radar guns that emit microwave radiation.

Connecticut adopted this law to protect police officers from the risk of cancer caused by the use of hand-held radar devices. Law enforcement officers in my State of Connecticut, as well as many other States, have been suffering from disturbingly similar varieties of cancer, such as testicular, cervical, brain, and eye cancers. The preliminary evidence suggests that radar guns may be the cause.

Although a number of Federal agencies are responsible for controlling radar guns and microwave radiation, no one seems to be taking charge. The General Accounting Office way back in 1978 recommended Federal regulation of microwave radiation, but nothing has happened. EPA has pulled out, OSHA is dormant, and FDA has done little more than measure emissions from radar guns. No one has moved to issue Federal standards.

Worse yet, Mr. President, research into the biological effects of low-level microwave radiation is all but nonexistent, even though many studies point to biological effects at levels that are many times lower than current industry guidelines.

I believe we may have turned our back on the health of our police, as well as the general public, in our efforts to promote the benefits of radar guns. Today, I am asking the Secretaries of Health and Human Services and Labor, as well as the Administrator of the Environmental Protection Agency, to identify those steps that have been, are being, and will be taken by their respective agencies to determine the threat of low-level police radar.

The Connecticut State Police have stopped using hand-held radar. Other police forces have moved larger, stationary units from inside patrol cars to the roof. All this is being accomplished at a minimal cost to local and State government.

I would also like to compliment Mr. Santo Franzo, of the International Brotherhood of Police Officers, who worked tirelessly for this bill in Connecticut. It is largely through his efforts and the work of the Connecticut State Police Union that hand-held radar has been banned in Connecticut and that so many police forces in Connecticut have already phased out its use. It certainly demonstrates that personal initiative can make a difference.

Mr. President, as proud as I am of Connecticut's decision to ban hand-held radar until more is known about the dangers it may pose to police officers, this should be just the beginning, not the end of the story.

More specific work is needed to determine whether these units in fact do cause cancer. One police officer in Ohio, Gary Poynter, has put together an informal registry of affected officers. Currently, over 100 active duty and retired officers, who have used radar guns, have come forward with uncommon forms of cancer. But this is not a formal scientific study.

We now need the expertise and resources of the Department of Health and Human Services, including the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control, and the Public Health Service, to conduct a scientific study of active and retired police officers. Only with a study of a large group of officers can we understand whether radar guns are causing an increased incidence of cancer.

Mr. President, as I have learned more over the past few months about what we know about the risks that microwave radiation emitted by radar guns may pose to law enforcement officers, I am struck by the lack of research, governmental oversight, and Federal standards.

Today, over 75,000 radar guns are in use across the United States. The radar in these guns is a small but continuous beam of microwave radiation—radiation much like that we use to cook food. But microwave ovens are heavily shielded to prevent exposure to users. Radar guns, by their nature, are not. The radar must come out the front end of the gun.

Police officers may be endangering their health when they put the guns in their laps or hold it up to their eye. Unsuspecting officers do this both when calibrating the gun and while waiting for cars to come by. Since police often use these guns for hours at a time, they can be exposed to microwaves repeatedly and for substantial lengths of time.

I congratulate the State of Connecticut for taking the lead in ensuring that the law enforcement officers who patrol our highways will not be subject to the suspected health risks of hand-held radar guns. Many of Connecticut's State and local police chiefs already doing their part by voluntarily halting use of hand-held radar units and modifying the use of stationary microwave radiation.

And also today, I want to indicate that I intend to hold a hearing of my Subcommittee on Consumer and Environmental Affairs of the GAC this summer to explore what can be done to assess the risks of radar guns and to review the activity of the Federal Government in conducting needed research and regulating microwave emissions from hand-held radar guns.

I thank the Chair and the Senator from Arizona and I yield the floor.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arizona controls the time. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. 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. THURMOND. Mr. President, today, the Senate is considering a substitute to S. 474, the Professional and Amateur Sports Protection Act, which I have cosponsored. This important legislation would prohibit the States from establishing sports lotteries and would also prohibit any other form of sports gambling authorized by State law based on professional or amateur games.

Without question, sports gambling undermines public confidence in the integrity of the sports involved and clearly places undue pressure on the players and coaches. This bill recognizes that the spread of sports lotteries and sports gambling should be stopped. It authorizes injunctive relief by the Department of Justice or any affected sports organization. The action can be brought against the operator of any State-sponsored sports lottery or other gambling scheme which is based on the outcome of a sports contest. However, in deference to those States which already have authorized gambling or lotteries, they are exempted from this legislation. In addition, parimutuel racing and jai-alai are exempt.

Mr. President, action on this legislation is imperative. Sports lotteries and gambling communicate the wrong message to our young people about the purpose and worth of athletic competition. Sports gambling threatens the integrity of, and public confidence in, team sports. Furthermore, sports gambling promotes gambling among young people, which I strongly oppose.

The opposition to this bill, which is limited, comes from those who believe that the bill will impede the ability of States to raise revenue. Yet, this bill does not prohibit all lotteries or gambling. It only prohibits gambling or lotteries on sports. Furthermore, this bill does not break new ground in trying to protect the integrity of sports contests. It is already illegal under Federal law to influence or attempt to influence by bribery a sporting contest. Clearly, Congress has already recognized that there is a distinct Federal interest in protecting sports—both amateur and professional—from corruption.

Mr. President, this bill is supported by all major professional and amateur sports organizations including the NFL, the NBA, and the NCAA. Sports gambling is a national problem which requires our attention. The continued integrity of organized sports is certainly of interest to America. Sports should not be used as a lone cure for State revenue problems nor should we gamble with our children's heroes. Congress must act to pass this important bill.

For these reasons, I urge my colleagues to support this measure.

Mr. BURNS. Mr. President, it is with reluctance that I vote for this legislation, S. 474, the Professional and Amateur Sport Protection Act, better known as the sports betting bill. I want to associate myself with the comments of others here today regarding their concern about the integrity of professional and amateur sports in this country. As a former amateur football referee, I am also very sensitive to the concern that widespread sports gambling may encourage attempts to fix sporting games. That would be a travesty.

I do have concerns with the preemption of States' rights in this bill and would have voted with Senator GRASSLEY had his amendment been put to a vote. I know that the proponents of this legislation will disagree with me, but this bill does preempt the States on the issue of sports gambling. In fact, had it not been for the cooperation of the good Senator from Arizona [Mr. DECONCINI], my State would have been prohibited from enacting some laws already passed by the Montana Legislature and signed by the Governor. It is Montana law, as of October 1, 1991, to allow sports tabs and fantasy sports leagues. Under the bill as reported from committee, Federal law would have illegalized those activities. However, Senator DECONCINI, being a fair-minded person, agreed to change the effective date to protect current law in Montana. I want to thank Senator DECONCINI for his willingness to work with myself and Senator BAUCUS to change the effective date. I believe that we have protected Montana to the maximum extent practicable; and although I still have some concerns about the bill, I will support it in its current form.

Mr. LAUTENBERG. Mr. President, I am going to vote against this legislation.

Mr. President, reasonable people can disagree on the wisdom of State-sanctioned sports gaming. And, in fact, many reasonable people do disagree. There are reasonable arguments on both sides.

But the real issue underlying this bill is more fundamental than that. The real issue is: Who should decide?

Mr. President, people in New Jersey have begun a vigorous debate on sports betting in our State. Many believe that sports betting would provide substantial benefits to the State's economy, would create many much—needed new jobs, and would reduce the enormous financial pressures facing the State government.

On the other hand, many others in the State are opposed to sports betting, and believe that it would threaten the integrity of sporting events, increase compulsive gambling, and lead to various other problems.

The debate over sports gaming has been taken up by the New Jersey State Legislature. The legislature is actively considering a proposal that would establish a referendum on the issue, and give the voters of New Jersey the right to decide.

Our State's Governor, Governor Florio, has said that he, and the rest of the people of the State, would like to get the benefit of the full discussion that would flow from placing the question of sports betting on the ballot.

Mr. President, the issue before us today is whether Congress should intercede in this ongoing debate, and impose its will. Or whether the decision should be left to the people of New Jersey.

In my view, this is a matter that should be left to the State and the people of New Jersey. They can listen to the arguments on both sides. And they can make up their own minds.

Mr. President, I am also concerned that this bill unfairly discriminates against certain States, and could put New Jersey at an unfair competitive disadvantage. The bill carves out special exceptions for five States: Nevada, Oregon, Delaware, North Dakota, and Montana. Under those exceptions, sports betting would be allowed in each of those States, permanently. Yet, on the other hand, the other 45 States will permanently be banned from even considering the issue.

Mr. President, the casino industry in Atlantic City, NJ, is in competition with its counterpart in Nevada. Yet Nevada gets a permanent special exemption under the bill, while Atlantic City casinos would forever be precluded from offering similar options to their customers. It would be one thing, Mr. President, if the people of New Jersey themselves decided not to get into sports betting. But for Congress to

make that decision for New Jersey, while imposing no such requirement on Nevada and other States, is not fair.

In conclusion, Mr. President, my main point is this: let's leave it to the State and the people to decide. Let us trust them to do what is right. I have confidence that, in New Jersey, they will.

Mr. KERRY. Mr. President, as a cosponsor of S. 474, the Professional and Amateur Sports Protection Act, I rise in support of its immediate passage so that we might stop the spread of legalized and State-sponsored sports gambling.

We know that professional and amateur team sports are especially popular among young people, and it is this vulnerable segment of society that legalized and popularized sports gambling will hit hardest. I would like to share a letter I received in support of S. 474 from Thomas Dwane, of the Waltham Boys and Girls Clubs, a man who works with troubled youth in the Waltham area on a daily basis. Mr. Dwane observed that

> Kids today have enough pressures to face, such as booze, cocaine, and teen pregnancies. By legalizing sports betting, today's teenagers would have yet another social pressure to deal with—gambling.

For this reason, the New England Boys and Girls Clubs have joined a broad-based, bipartisan organization—called the Bay State Coalition Against Sports Betting—to support S. 474 and other attempts to halt the spread of legalized sports gambling. The Coalition includes a wide array of organizations and individuals, including sports-related groups, school groups, church organizations, and Boston's major league professional sports franchises.

Mr. President, I ask unanimous consent that the attached list of the members of the Bay State Coalition Against Sports Betting be inserted into the RECORD at this time, along with a copy of a resolution in support of S. 474 that received unanimous support from the Boston City Council.

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

CITY OF BOSTON IN CITY COUNCIL

Whereas: many states, including Massachusetts and Rhode Island, have proposed legalized sports gambling as a way to enhance dwindling state revenues; and

Whereas: the negative impacts of state sponsored sports gambling would far outweigh its fiscal advantages—here in Massachusetts and throughout the United States; and

Whereas: of particular concern is the potential negative affect such a practice would have on young people, many of whom are fascinated by sports and professional athletes; and

Whereas: State sponsored sports gambling would serve to cheapen amateur and professional sports by shifting their focus to betting; and

Whereas: legalized sports gambling would reduce the value of athletes as role models for our children and would send young people the message that gambling for a fast buck is a normal, legal, and acceptable part of athletic competition; and

Whereas: a federal statute designed to prohibit state sponsored sports betting would be an important tool in the effect to preserve the integrity of professional and amateur sports in this country; therefore be it

Resolved, That the Boston City Council supports "The Professional and Amateur Sports Protection Act" and urges the members of the Massachusetts Congressional delegation to vote to enact this important piece of legislation.

Adopted in City Council August 14, 1991.

BAY STATE COALITION AGAINST SPORTS BETTING

ORGANIZATION

American Alliance for Health, Physical Education and Recreational Dance
American Baptist Churches of Massachusetts
American Legion Baseball
Boston Bruins
Boston Celtics
Boston Red Sox
Boston Univ. Center for Advancement of Ethics and Character
Cape Cod League Baseball
Center for the Study of Sports in Society
Greater Springfield Council of Churches
MA Fellowship of Christian Athletes
Massachusetts Interscholastic Athletic Association
New England Boys & Girls Club
New England Patriots
School of Education Boston University

INDIVIDUALS

Matt Barron
Dr. Ed Bilik
William J. Cleary, Director
Armand Colombo
Roy Condon
Dr. Bill Connsidine
David Cowens
Dr. Robert Curtin
Dr. Kathy Davis
Jim Dusenberry
Tom Dwayne
Martin C. Finnegan
Steve Glover
Attorney General Scott Harshburger
Ms. Rosemary Hurley
Tom Keady, Jr.
Mike Kociela
Dr. Richard Lapchick
John Lee
Ralph Lord
Dr. Mary Lydon
Boston City Councilor Michael McCormack
Robert Monahan
Dr. Mimi Murray
Mike O'Connor
Detective Sergeant John O'Neil
State Rep. Marc Pachaco (D-Taunton)
Tom Paulini
Ted Porada
Tom Reilly
Dan Ryan
Dick Samaria
Ed Schuntz
Dr. Howard Shaffer
Gary Strickler
Ernie Thebado
Dr. Mary Lou Thornburg
State Rep. Michael Walsh (D-Agawam)
Mike Whelton
Rev. Wesley Williams
Dr. Len Zaichowski
Richard Zides

Mr. KERRY. Another coalition member, Dr. Howard J. Shaffer of Harvard University's Center for Addiction Studies, suggests another reason to stop the expansion of legalized sports betting. Dr. Shaffer warns that legalized sports betting will "increase the prevalence of problem gambling" among adults and that "many young people will be introduced to this activity specifically because it is lawful." Dr. Shaffer also observed that "the gambling-produced problems that result may eventually cost millions of treatment dollars."

Mr. President, the growth of legalized sports betting imposes economic and human costs beyond the scope of any particular State's boundaries. I urge immediate passage of S. 474 to deal with this national problem on a nationwide basis. Thank you.

Mr. RUDMAN. Mr. President, I speak today as a supporter and cosponsor of S. 474, the Professional and Amateur Sports Protection Act. This bill would stop the spread of legalized and State-sponsored sports gambling.

Since my days as the attorney general of the State of New Hampshire, I have opposed legalized gambling in general, and have particularly objected to the legalization of State-sponsored gambling on sporting events. There are many excellent reasons to vote in favor of a ban on sports gambling sponsored at the State level. Legalized sports betting distorts the positive lessons taught our youth by team sports and introduces a new and particularly seductive social pressure for our young people to confront. Sports gambling may well undermine the public confidence in the integrity of the sports involved. Moreover, the addition of yet another form of gambling increases the risk that additional forms of illegal gambling will proliferate.

Congress has recognized that sports gambling poses unique concerns. In the 1970's, title 18 was amended to permit States to sponsor lotteries. In that amendment, however, Congress expressly stated that sports gambling would remain prohibited. No other area was singled out for this treatment, thereby reflecting Congress's recognition of the dangers of sports gambling.

Mr. President, professional and amateur sports are America's favorite pastimes, and we must act at the Federal level to prevent legalized sports gambling from undermining, in a permanent way, the remarkable role that team sports have played in the development of America's young people. I urge immediate passage of S. 474 to stop the further expansion of legalized sports gambling.

Mr. DECONCINI. Mr. President, I want to thank my staff, Janis Long, for the excellent work she has provided on this, as well as the Judiciary Committee; Mark Disler of the staff of the Senator from Utah who has worked so diligently in putting this together, and all of Senator Hatch's people who have helped.

The PRESIDING OFFICER. Has all time has been yielded back?

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

The PRESIDING OFFICER. All time having expired, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass, as amended? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KOHL (when his name was called). Present.

Mr. FORD. I announce that the Senator from Los Angeles [Mr. JOHNSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Wyoming [Mr. SIMPSON], are necessarily absent.

I also announce that the Senator from North Carolina [Mr. HELMS], is absent due to illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS] the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

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

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—88

Adams	Exon	Mitchell
Akaka	Ford	Moynihan
Baucus	Fowler	Murkowski
Bentsen	Garn	Nickles
Biden	Glenn	Nunn
Bingaman	Gore	Pell
Boren	Gorton	Pressler
Bradley	Graham	Pryor
Breaux	Gramm	Reid
Brown	Harkin	Riegle
Bryan	Hatch	Robb
Bumpers	Hatfield	Rockefeller
Burdick	Heflin	Roth
Burns	Inouye	Rudman
Byrd	Jeffords	Sanford
Chafee	Kassebaum	Sarbanes
Coats	Kasten	Sasser
Cochran	Kennedy	Shelby
Cohen	Kerrey	Simon
Conrad	Kerry	Smith
Craig	Leahy	Specter
Cranston	Levin	Stevens
D'Amato	Lieberman	Symms
Daschle	Lott	Thurmond
DeConcini	Lugar	Warner
Dixon	Mack	Wellstone
Dodd	McCain	Wirth
Dole	McConnell	Wofford
Domenici	Metzenbaum	
Durenberger	Mikulski	

NAYS—5

Grassley	Lautenberg	Wallop
Hollings	Packwood	

ANSWERED "PRESENT"—1

Kohl

NOT VOTING—6

Bond	Helms	Seymour
Danforth	Johnston	Simpson

So the bill (S. 474), as amended, was passed, as follows:

S. 474

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 "Professional and Amateur Sports Protection Act".

SEC. 2. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) 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, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or any other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§ 3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

"(2) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

"(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

"(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity; or

"(3) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure ..... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection ..... 3701".

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

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

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I note for the record that although supportive of this legislation, I have recused myself from participation in the debate on the sports gambling bill, and pursuant to Senate Rule 12 paragraph 3, voted "present" because of a possible conflict of interest resulting from my ownership of a National Basketball Association professional basketball team franchise.

Thank you, Mr. President.

Mr. HOLLINGS. Mr. President, I voted against S. 474 because it is a substantial intrusion into States rights. This bill infringes on the fundamental rights of States to raise revenue to fund State programs. Mr. President, I am opposed to gambling, but I do not believe that we should allow Federal preemption into an area that has long been left up to the individual States.

The issues of lotteries and betting have traditionally been issues left to the States to resolve. States use the revenue generated by these lotteries for important State programs such as

education and economic development. At a time when States are facing severe budgetary restraints, Congress has no business telling the State's how they can or cannot raise revenue. Mr. President, in South Carolina gambling is prohibited and, Mr. President, I oppose gambling of any sort. I agree that gambling on sports takes away from the enjoyment of it and puts undue pressure on coaches and athletes. However, Mr. President, I have long supported State law and State's rights over Federal preemption. I believe it should be left up to each State to decide whether or not they want to allow gambling. And, as you know, Mr. President, the Federal Government has no business advising anybody on fiscal matters.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1504, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1504) to authorize appropriations for public broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business for 5 minutes before taking up this bill.

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

IMPOSITION OF SANCTIONS ON SERBIA

Mr. DOLE. Mr. President, last weekend, the U.N. Security Council voted to impose comprehensive sanctions on Serbia.

Mr. President, these sanctions are long overdue. The Senate unanimously passed sanctions legislation 3 weeks ago. And, there are many of us who supported sanctions legislation, introduced by the distinguished Senator from New York, Senator D'AMATO, more than 8 months ago.

For months now, people have been dying as a result of Serbian President Milosevic's brutal and bloody land-grab in Croatia and Bosnia-Hercegovina. But, last week, the whole world witnessed the slaughter of innocent people in a breadline in Sarajevo. These scenes—more than any statistics—truly captured the murderous intentions of the butcher of Belgrade and his henchmen. It was this tragic event that made the world determined to put an end to Milosevic's reign of terror.

While the U.N. Security Council was voting on the sanctions resolution, in Belgrade, thousands of Serbs, including many young people, protested against the Milosevic government and the war waged by it against Bosnia-Herce govina and Croatia. Days earlier the hierarchy of the Serbian Orthodox Church distanced itself from the policies of the Milosevic government and this weekend, the Serbian democratic opposition boycotted Milosevic's sham elections.

But, Mr. President, in my view, these sanctions are just the first step—and a step that is, at this point, largely symbolic of the world's resolve to stop Milosevic now—before more people are killed and before he moves his forces into Kosova to annihilate the 2 million Albanians who are trapped there.

I am not optimistic that Serbia's hardline president will respond to international economic pressure—which will not be felt overnight—or even the potential suffering of his own people. And, I doubt that Milosevic yet comprehends that he stands against the entire world.

The latest ceasefire negotiated by the United Nations in Bosnia lasted less than 2 hours. Then heavy shelling of the capital and aerial bombing—with Mig aircraft from Serbia—began, once again.

The problem before us is that it will take time for external and internal pressure on Milosevic to build, but the people of Bosnia do not have time.

Millions of people are still starving throughout Bosnia-Hercegovina. Food sent by the United States and other countries never reached the needy. The Red Cross pulled its personnel out last week following an attack on a Red Cross team by Serb forces in which one person was killed.

While U.N. Resolution 757 demands that conditions be created to facilitate the delivery of humanitarian aid, including the establishment of a security zone, no deadline has been set for the achievement of the necessary conditions.

Who will create these conditions? As I mentioned before, yesterday's ceasefire lasted less than 2 hours. More than 15 cease-fires were agreed to in Croatia before one took hold. And despite that cease-fire, at this moment Dubrovnik is being shelled as are other parts of Croatia. It is estimated that 1,000 shells have fallen on Dubrovnik in 24 hours further damaging world-renowned historic monuments. It doesn't take a genius to figure out that Milosevic has not been intimidated by the U.N. sanctions. He seems as determined as ever to continue his genocidal war against Bosnia and its people. So the world better not wait for his cooperation as a precondition to helping the people of Bosnia-Hercegovina who are in desperate need of humanitarian assistance.

Therefore, the following steps need to be taken immediately:

First, the airport in Sarajevo needs to be reopened as the core of a security zone; second, food and medicine must be delivered to this security zone; third, these supplies must be delivered to other regions of Bosnia under military escort—since convoys of food and medicine led by humanitarian organizations have been routinely attacked by Serb forces; and fourth, to facilitate the delivery of humanitarian aid, and in view of continued aerial bombing by Serb forces, the United Nations and/or NATO must address, as a top priority, the matter of closing the airspace over Bosnia-Hercegovina.

Furthermore, if attacks on Dubrovnik do not cease in the very near future, the implementation of a naval blockade must also be addressed.

Mr. President, the catastrophic war in Bosnia-Hercegovina has already claimed the lives of thousands, destroyed its economy, and much of its history and culture, in effect dwarfing the war in Croatia—which itself was unprecedented in scale in Europe since the Second World War. For nearly a year the world looked the other way while Milosevic and his forces plundered, killed, and occupied in the name of a "Greater Serbia." So now, that the international community has finally committed itself to stopping Milosevic, it must follow through on that commitment.

Mr. President, I thank my colleague from Hawaii and my colleague from Alaska.

I yield the floor.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 1504 pursuant to the previous order.

Who yields time?

Mr. INOUYE. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, we are here today to consider S. 1504, the Public Telecommunications Act of 1991. This legislation authorizes funding for the Corporation for Public Broadcasting [CPB] for fiscal years 1994 through 1996 and the Public Telecommunications Facilities Program [PTFP] for fiscal years 1992 through 1994. The Committee on Commerce, Science, and Transportation reported this bill out of committee without objection on October 3, 1991, and similar legislation was passed by the House on November 25, 1991, H.R. 2977.

Mr. President, this legislation was first brought to the Senate floor on March 3.

However, at that time several Senators raised a variety of concerns

about public broadcasting. And so Senator STEVENS and I have worked with Senator DOLE and others to address these concerns.

This has been a long and difficult process that really began last November when the bill was originally scheduled for floor action.

My friend from Alaska, Senator STEVENS, and I will offer several amendments that address most of the concerns raised during these long discussions.

I believe that these amendments are not objectionable and are supported by Senator DOLE and others who first raised these concerns. However, other amendments will be offered and I cannot support them, and at the appropriate time I will discuss those matters.

I believe that much of what these amendments reflect stem from a misunderstanding of how the Public Broadcasting System operates. The supporters of these amendments do not offer an accurate picture of the vast array of programming and services offered by public radio and television stations around the country.

I think we must be careful not to choose 1, 2, 3 or 10 hours of programming that we find objectionable and try to portray the entire program offering of public radio and television as somehow contemptible.

I think it is important to remember that one of the mandates of public broadcasting, reinforced by the 1988 act, is to serve the diversity of the American population.

That means programming for and about segments of society that are represented by small groups or a minority of the audience. In addition, public broadcasting is supposed to educate, inform, and entertain.

Informing the electorate about the workings of our Government, governments of other countries, changing societal mores and lifestyles often challenge contemporary views and options. What we must remember is that public broadcasting programs are on the cutting edge and are sometimes provocative. But that is what we intended them to be.

Informing and challenging people to think about what is right and what is wrong in our society is part of the mission of public broadcasting. When they succeed there will always be some who disagree with what they see and hear. There is nothing wrong with that. In fact, it makes for a better informed electorate.

Over the past 24 years, the Federal investment in public broadcasting has enabled the public broadcasting community to build a nationwide service. Reaching 86 percent of the American people with a public radio signal and 98 percent with a public television signal. Today public television is viewed each week by approximately 87 million people, 149 million people each month and 12.5 million children under 12 each week. Public radio reaches approximately 13.8 million listeners each week.

Public broadcasting has always been guided by the principle of localism: Every broadcaster's first obligation is to the community to which it is licensed, not to Congress or the CPB.

Those stations have demonstrated a commitment to serving the communities to which they are licensed both through local and national programming. The goal of this act is to encourage and foster the full development of local public broadcasting in America. Moreover, the stations, not the CPB, not PBS, not NPR, have the sole authority and responsibility to determine what programming will be broadcast.

I believe that every Member of the House and Senate can point to important contributions that his or her local public television and radio stations have made to his or her communities.

The work of the CPB and our public broadcasting stations is not finished. This legislation comes at a critical time for public broadcasting. Stations are finding it increasingly difficult to fund existing operations and programming, not to mention research and development. The total public broadcasting support, including Federal and non-Federal sources, represents only 4.5 percent of the total revenues available to commercial broadcast stations.

Clearly, this is money well spent by the Federal Government. The way some of the opponents of public broadcasting have been talking one would think that all of public broadcasting's funding comes from the Federal Government. And that is not so.

For every dollar that the Federal Government contributes to public broadcasting, the stations and program producers raise $5 from non-Federal sources. In fact, the percentage of Federal Government support for public broadcasting has declined.

In 1980, the CPB provided 27.3 percent of station's funding; CPB now provides only 16.9 percent.

The funding authorized in this bill will ensure that the CPB can assist stations in the maintenance and expansion of current high quality programming, enhance program production, and further technological developments in the industry.

Public broadcasters will also be provided the resources necessary to continue expanding their educational services to viewers at home and to our schools and universities and expanding public radio service to 14 percent of the population currently unserved.

Accordingly, this legislation authorizes funding for the CPB in the amount of $310 million for fiscal year 1994, $375 million for fiscal year 1995, and $425 million for fiscal year 1996.

These funding levels are reduced from the levels originally proposed in S. 1504 as introduced.

Funding for the Public Telecommunications Facilities Program [PTFP] is also authorized in this legislation.

This bill authorizes $42 million per year for fiscal year 1992, 1993, and 1994. This level of funding is necessary to overcome the effects of inflation and to permit an increase in the number of stations assisted.

PTFP provides matching grants to help public radio and television licensees purchase equipment to put new stations on the air, and upgrade or replace wornout or obsolete equipment in existing stations.

It has been a key factor in building a public broadcasting system that now reaches 95 percent of the American people with a public television signal, and 86 percent of the population with a public radio signal.

It has been argued by the administration that there is no longer a need for the PTFP. Contrary to the administration's claim, the PTFP program's mission has not been completed.

PTFP is an important player in bringing service to the 14 percent of the population still unserved by public radio. In addition, the program promotes the congressional goals of extending service to unserved and underserved audiences, and the opportunities for women and minorities to operate public broadcast stations. When we talk about improving the capability of existing stations, we are talking about upgrading facilities and replacing wornout and obsolete equipment.

As our country becomes more diverse and the public radio and television systems get older, the importance of these last goals—reaching minority audiences and strengthening public telecommunications services by replacing expensive, obsolete equipment at noncommercial stations—has increased.

This is an effective program which deserves continued support.

In closing, I want to thank the chairman of the Commerce Committee, Senator HOLLINGS, for his support and efforts on this measure and all of the members of the committee, particularly Senators STEVENS and MCCAIN for their work on this bill.

I, also want to thank the CPB, the public broadcast stations, including the Hawaii public television and radio stations, and all of the other interested parties that worked with the committee to reach a consensus on this bill.

I urge my colleagues to support this legislation.

Mr. STEVENS. Mr. President, I am pleased to be able to present this bill to the Senate today along with my distinguished colleague from Hawaii, the chairman of the Communications Subcommittee. The Corporation for Public Broadcasting has received tremendous scrutiny of late, particularly during the past year. There is going to be a series of amendments offered to the bill,

which are necessary to address the concerns that have been raised by Members of this body. The efforts of our Republican leader, Senator DOLE, along with Senator INOUYE and the Senator from Missouri [Mr. DANFORTH] and the Senator from California [Mr. SEYMOUR] have been particularly helpful as we worked on this bill.

Mr. President, public broadcasting is very important to my State. Public broadcasting has supported the development of statewide networks for both radio and television. We are a State that is one-fifth the size of the United States. In many parts of Alaska, public radio is the only source of local, State, and national news, job information and emergency services. Without public broadcasting, many of my people would be without any news at all because they do not have daily newspapers and they do not have over-the-air commercial stations.

In addition, the public radio station functions as what we call the Mukluk telegraph. That is where people call in and relay messages over the air to friends or loved ones in isolated communities, in cabins in the wilderness and at fish camps.

On any given day almost all public radio stations in Alaska will broadcast messages about the important things of rural life in Alaska: births, deaths, when groceries are coming in on a particular landing strip where there is no one there other than the person to whom the packages are addressed, or the fact that Joe is waiting out the storm in Shaktoolik and cannot get back to his family, but he will be venturing back up the river once the storm is over.

If anyone has ever had occasion to listen to these messages they would understand the importance of this kind of communication in an area, as I said, that is one-fifth the size of the whole country.

I have had my differences with CPB, particularly over the issue of how funds are allocated in these rural areas, and I share the concerns of many Members of the Senate concerning the need for accountability, objectivity and balance in this publicly supported system. This bill addresses many of those concerns about funding for rural radio and TV, and the amendments that will be offered, that have been worked out with the distinguished Senator from Hawaii and myself, I think send a strong message to the CPB Board that they must implement the existing authority that has been given to them by current law.

This bill, with the amendments that will be offered, will ensure that the Corporation for Public Broadcasting will continue to serve this Nation by increasing the reach of public radio and TV, by going to the underserved and the unserved areas of the country as well as providing a yardstick in the areas where there is already competition in the private sector, by providing innovative programming, and by ensuring the balanced presentation of competing views.

Where we are using taxpayers' money, fairness is implied. We must be assured that there is objectivity and balance in the expression of public views through this system. I have long been a supporter of public broadcasting. I think, as I have stated, the Senate should realize it is extremely vital to my State of Alaska. Lives often depend upon the information that only these stations can provide to the people living in the rural areas of Alaska.

Through the thoughtful and cooperative efforts of many Members here in the Senate, the Senate, I think, has before it today legislation that will allow CPB to continue its important work in rural America with safeguards to ensure that the mandates in existing law are met.

I want to compliment my good friend from Hawaii. He has been very patient in working on this bill with a great many people. This bill, I think the Senate will see, is almost worked out. We have almost reached the point where even those who are detractors of CPB realize it is absolutely essential to move forward with this authorization.

I look forward to this debate and I hope the Senate will join the Senator from Hawaii and me in supporting the passage of S. 1504 as a piece of legislation that is vitally necessary to the continued health of public broadcasting in the United States.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my colleague for his very generous remarks.

If I may, Mr. President, I would like to send to the desk for the RECORD a letter from Daniel Burke, president and chief executive officer of Capital Cities/ABC, Inc., and Mr. Thomas Murphy, chairman of the board of Capital Cities/ABC, supporting S. 1504.

I ask unanimous consent it be printed in the RECORD.

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

CAPITAL CITIES/ABC, INC.,
New York, NY, May 8, 1992.

Hon. DANIEL K. INOUYE,
Chairman, Senate Communications Subcommittee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE: As the Senate nears floor consideration of S. 1504, the Public Telecommunications Act of 1991, we would like to express our support for a fully-funded, strong, and independent public broadcasting system.

In particular, we support providing the Corporation with the full funding provided for in S. 1504 as reported by the Senate Commerce Committee. We urge you and your colleagues in the Senate to resist any weakening amendments that would reduce authorized expenditures below this needed level.

We have spent our professional lives in commercial broadcasting and are familiar with its great strengths, as well as its limitations. Our Company, Capital Cities/ABC, Inc., owns and operates the ABC Television Network, eight commercial television stations, 21 commercial radio stations, and several radio networks.

We strive to provide the highest quality news, entertainment, and sports programming on all of our commercial outlets. But we are limited by our need to reach audiences large enough to attract advertisers who will support the cost of our programming. There are many fine programs that for economic reasons, we must forego.

Together with others, our Company also owns three cable programming services: ESPN, Arts & Entertainment, and Lifetime. Some cable services such as these provide programming that to some degree overlaps with what public broadcasting provides. But not all the programming provided by public broadcasting is, or could be, duplicated on cable. Moreover, 40 percent of the nation's households do not subscribe to cable television, with the result that public television reaches a larger audience than any cable programming service can reach.

We continue to need a strong broadcast system free from day-to-day commercial constraints to ensure that high-quality programming that may not be commercially viable is delivered to all Americans regardless of their ability to pay. An arbitrary cap on federal payments to the system would endanger the ability of public broadcasters to fulfill this mandate.

We know from direct experience that public broadcasting has a special educational role that could not easily be replaced. For the past six-and-a-half years Capital Cities/ABC and the Public Broadcasting Service have worked together on Project Literacy U.S. (PLUS). PLUS is an ongoing public service effort that seeks to raise awareness and stimulate community action on adult illiteracy in America. We regularly broadcast public service announcements, and both ABC and PBS have broadcast news documentaries on literacy themes. The broadcasts are augmented by outreach projects on the local level, in which special kits on PLUS themes are provided to both ABC affiliates and PBS member stations.

Last year the ABC Television Network and the Public Broadcasting Service collaborated on "In the Shadow of Love: A Teen AIDS Story." This drama on the spread of AIDS among young people was broadcast first on PBS and then as an ABC Afterschool Special on our network.

Peter Jennings, the anchor of World News Tonight, has worked extensively with public broadcasters. In 1987, to celebrate the 200th anniversary of the signing of the U.S. Constitution, Mr. Jennings was the senior writer and host of "We the People." These four programs on the role of the U.S. Constitution in contemporary America, were broadcast in prime time on public broadcasting stations. Mr. Jennings also did a ten-part series on the same subject for use as program inserts on National Public Radio.

Most recently, Mr. Jennings undertook "The AIDS Quarterly" programs, seven public television broadcasts to educate the public on the implications of AIDS. He then did an eighth broadcast, "The Health Quarterly."

We appreciate the opportunity to express our views on this important matter.

Sincerely,

DANIEL B. BURKE,
President & CEO.

THOMAS S. MURPHY,
Chairman of the Board.

AMENDMENT NO. 1858

(Purpose: To make an amendment in the nature of a substitute)

Mr. INOUYE. Mr. President, I will now send to the desk and ask immediate consideration of an amendment. While the amendment is being sent, I would like to advise the Senate that this amendment I have sent to the desk contains provisions which clarify that underserved audiences include deaf and hearing impaired and blind and visually impaired individuals; that require that recipients of CPB funding must comply with the FCC's Equal Employment Opportunity requirements and submit to the CPB a report detailing employment statistics for positions available and filled the previous year.

This amendment specifies that the CPB will fund the independent production service through fiscal year 1995 and provide funding for training programs for employees of public broadcast stations and for expanding the Community Outreach programs; and clarify that the requirements of the Children's Television Act apply to both commercial and noncommercial television licensees.

These provisions are identically to provisions included in the House bill, H.R. 2977, and have been cleared on both sides of the aisle.

I ask that this amendment be treated as original text.

Mr. President, I now send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself and Mr. STEVENS, proposes an amendment numbered 1858.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Telecommunications Act of 1992".

PUBLIC TELECOMMUNICATIONS FACILITIES AUTHORIZATION

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated $42,000,000 for each of the fiscal years 1992, 1993, and 1994, to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities as provided in this subpart.".

SERVICES FOR UNDERSERVED AUDIENCES

SEC. 3. Section 393(b)(4) of the Communications Act of 1934 (47 U.S.C. 393(b)(4)) is amended by inserting immediately before the period at the end the following: ", including services to underserved audiences such as deaf and hearing impaired individuals and blind and visually impaired individuals".

CONGRESSIONAL DECLARATIONS OF POLICY

SEC. 4. Section 396(a) of the Communications Act of 1934 (47 U.S.C. 396(a)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (10); and

(3) by inserting immediately after paragraph (7) the following new paragraphs:

"(8) public television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs;

"(9) it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies; and".

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on March 26, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on March 26, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on March 26, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on March 26, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on March 26, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

COMPENSATION OF OFFICERS

SEC. 6. Section 396(e)(1) of the Communications Act of 1934 (47 U.S.C. 396(e)(1)) is amended by striking the fourth sentence and inserting in lieu the following: "No officer of the Corporation, other than the Chairman or a Vice Chairman, may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.".

CONTENTS OF ANNUAL REPORT

SEC. 7. Section 396(i)(1) of the Communications Act of 1934 (47 U.S.C. 396(i)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) a listing of each organization that receives a grant from the Corporation to produce programming, the name of the producer of any programming produced under each such grant, the title or description of any program so produced, and the amount of each such grant;".

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

SEC. 8. (a) EXTENSION OF AUTHORIZATION.—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "180,000,000 for fiscal year 1981," and all that follows through "$245,000,000 for fiscal year 1991,";

(2) by striking "and" after "fiscal year 1992,"; and

(3) by inserting immediately after "fiscal year 1993" the following: ", $310,000,000 for fiscal year 1994, $375,000,000 for fiscal year 1995, and $425,000,000 for fiscal year 1996".

(b) ANNUAL REPORT.—Section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) is amended by adding at the end the following new subparagraph:

"(E) In recognition of the importance of educational programs and services, and the expansion of public radio services, to unserved and underserved audiences, the Corporation, after consultation with the system of public telecommunications entities, shall prepare and submit to the Congress an annual report for each of the fiscal years 1994, 1995, and 1996 on the Corporation's activities and expenditures relating to those programs and services.".

TRAINING AND PROFESSIONAL DEVELOPMENT

SEC. 9. Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by inserting immediately after "other than English" the following: "or for assistance in the provision of affordable training programs for employees at public broadcast stations".

INDEPENDENT PRODUCTION SERVICE

SEC. 10. Section 396(k)(3)(B)(iii)(V) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)(V)) is amended—

(1) by inserting immediately after "expenditures of the independent production

service" the following: ", including carriage and viewing information for programs produced or acquired with funds provided pursuant to subclause (I)"; and

(2) by striking "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992, 1993, 1994, and 1995".

GRANT DISTRIBUTION CRITERIA

SEC. 11. Section 396(k)(6)(B) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)(B)) is amended by inserting "(which the Corporation shall review periodically in consultation with public radio and television licensees or permittees, or their designated representatives)" immediately after "eligibility criteria".

COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS BY FUND RECIPIENTS

SEC. 12. (a) CERTIFICATION AND EMPLOYMENT REPORTS REQUIRED.—Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following new paragraph:

"(11)(A) Funds may not be distributed pursuant to this subsection for any fiscal year to the licensee or permittee of any public broadcast station if such licensee or permittee—

"(i) fails to certify to the Corporation that such licensee or permittee complies with the Commission's regulations concerning equal employment opportunity as published under section 73.2080 of title 47, Code of Federal Regulations, or any successor regulations thereto; or

"(ii) fails to submit to the Corporation the report required by subparagraph (B) for the preceding calendar year.

"(B) A licensee or permittee of any public broadcast station with more than five full-time employees to file annually with the Corporation a statistical report, consistent with reports required by Commission regulation, identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

"(i) Officials and managers.

"(ii) Professionals.

"(iii) Technicians.

"(iv) Semiskilled operatives.

"(v) Skilled craft persons.

"(vi) Clerical and office personnel.

"(vii) Unskilled operatives.

"(viii) Service workers.

"(C) In addition, such report shall state the number of job openings occurring during the course of the year. Where the job openings were filled in accordance with the regulations described in subparagraph (A)(i), the report shall so certify, and where the job openings were not filled in accordance with such regulations, the report shall contain a statement providing reasons therefor. The statistical report shall be available to the public at the central office and at every location where more than five full-time employees are regularly assigned to work.".

(b) COMPILATION OF REPORTS BY CORPORATION.—Section 396(m)(2) of the Communications Act of 1934 (47 U.S.C. 396(m)(2)) is amended by adding at the end the following new sentence: "Such report shall include a summary of the statistical reports received by the Corporation pursuant to subsection (k)(11), and a comparison of the information contained in those reports with the information submitted by the Corporation in the previous year's annual report.".

AUDIT REQUIREMENT FOR PUBLIC TELECOMMUNICATIONS ENTITIES

SEC. 13. (a) ALTERNATIVE TO AUDIT FOR CERTAIN ENTITIES.—Section 396(*l*)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)(ii)) is amended—

(1) by designating the existing text as subclause (I);

(2) by striking "and" at the end of subclause (I), as so redesignated, and inserting in lieu thereof "or"; and

(3) by adding at the end the following new subclause:

"(II) to submit a financial statement in lieu of the audit required by subclause (I) if the Corporation determines that the cost burden of such audit on such entity is excessive in light of the financial condition of such entity; and".

(b) FREQUENCY OF AUDIT.—Section 396(*l*)(3)(B) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)) is amended—

(1) in clause (ii) by striking "biannual" and inserting in lieu thereof "biennial"; and

(2) in clause (iii) by striking "biannually" and inserting in lieu thereof "biennially".

REPEAL

SEC. 14. Paragraph (4) of section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*)) is repealed.

CLARIFICATION OF CONGRESSIONAL INTENT

SEC. 15. Section 103(a) of the Children's Television Act of 1990 (47 U.S.C. 303b(a)) is amended by inserting "commercial or noncommercial" immediately before "television broadcast license".

EFFECTIVE DATE

SEC. 16. Section 5(a) shall take effect on March 26, 1996. All other provisions of this Act are effective on its date of enactment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I join with the Senator from Hawaii in presenting this series of amendments. I think they are worthy improvements of our bill.

The PRESIDING OFFICER. On this amendment do the Senators yield back their time?

Mr. INOUYE. I do.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. If the Senator would withhold, under the previous order the amendment will be considered original text of the bill.

The Senator from West Virginia is recognized.

AMENDMENT NO. 1859

(Purpose: To require the Federal Communications Commission to promulgate regulations to restrict indecent broadcasts)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1859.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

BROADCASTING OF INDECENT PROGRAMMING

SEC. . (a) FCC REGULATIONS.—The Federal Communications Commission shall promulgate regulations to prohibit the broadcasting of indecent programming—

(1) between 6 a.m. and 10 p.m. on any day by any public radio station or public television station that goes off the air at or before 12 midnight; and

(2) between 6 a.m. and 12 midnight on any day for any radio or television broadcasting station not described in paragraph (1).

The regulations required under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, and shall become final not later than 180 days after the date of enactment of this Act.

(b) REPEAL.—Section 608 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2228), is repealed.

Mr. BYRD. Mr. President, I have long been concerned about the powerful influence of television on its viewers, particularly on our children. I am increasingly disturbed by the smutty language used on so many television shows, and by the violence and lack of morality evident in too many programs.

According to research by the American Academy of Pediatrics, children spend an average of 3 to 3½ hours a day watching television. At this rate, the Academy calculated that individuals will have spent about 7 years in front of the television set by the time they are 70 years old.

Children are increasingly exposed to the profanity, the vulgarity, the violence, and crudeness that are broadcast on our television screens today. I believe that the behavior of these children in the years ahead will reflect the behavior and standards to which television has exposed them in their most vulnerable and malleable years—childhood years of which cynical, money-driven television executives have robbed the children with glamorizations of crude and vulgar behavior and language.

Such television programming is teaching our children that gutter speech and antisocial behavior are acceptable—even preferred—norms of "cool," "hip," sophisticated speech and conduct. In fact, such television programming is like taking arsenic to build up immunity against poison. With each dose of television profanity, pornography, promiscuity, murder, and other violence, a person becomes able to tolerate a little more of these moral poisons. Eventually, sensitivity and human decency are seriously undercut, particularly in the young viewer, for whom adults—all adults—have been pointed out as role models, even those, and particularly those, on the electronic tube.

I know from my mail that many West Virginians and people all across

the country share my concern about such objectionable television programming. This is why I am offering this amendment today.

My amendment would extend the Federal Communications Commission's [FCC] authority to prohibit indecent broadcasts. Currently, the Commission has enforcement authority over broadcasts that occur during the daytime hours, but is constrained from taking enforcement action on indecent broadcasts that occur after 8 o'clock p.m. My amendment would extend the FCC's enforcement authority—after the completion of a notice and comment period—through the hour of 12 o'clock midnight. In order to accommodate public television and radio stations that go off the air at or before 12 midnight, the FCC's enforcement authority would extend through the hour of 10 o'clock p.m. for those stations.

Personally, I would like to ban indecent programming 24 hours a day every day of the year. A recent FCC report concluded that "the best available evidence indicates that there is a reasonable risk that significant numbers of children ages 17 and under listen to radio and view television at all times of the day or night." However, a recent decision by the United States Court of Appeals overturned a law passed by the Congress directing the FCC to prohibit indecent broadcasts 24 hours a day. On Monday, March 2, the United States Supreme Court refused to hear this case, thereby upholding the decision of the United States Court of Appeals.

While my amendment would not accomplish all that I would like, by extending the restrictions to broadcasts that occur during the hours between 6 a.m. and 12 midnight, the risk of children in the broadcast audience would at least be lessened.

No one can contest that television at its best—the American astronauts' walk on the Moon, the dismantling of the Berlin Wall, last year's Civil War documentary, the excellent shows that are portrayed by Alistair Cooke and presently Elizabeth R. that is being viewed in this area, and the drama, musical performances, and public affairs programming provided by public television—can be compelling, vital, and life-changing and history-changing. But, in the main, one of the marvels of human invention has been reduced to a purveyor of bad taste, violence, and profanity.

Television programming has been called "bubble gum for the mind," but that, I suggest, is a charitable view. Much television programming today is nothing more than packaged corruption for the soul. At nearly any hour, a child may switch television channels and witness a rape in progress in a secluded parking lot——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. How much time did I have, Mr. President?

The PRESIDING OFFICER. Five minutes.

Mr. BYRD. I thought I had 10 minutes.

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. INOUYE. Mr. President, I yield to my leader any time that he needs.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BYRD. I thank the distinguished Senator from Hawaii [Mr. INOUYE] for his courtesy.

At nearly any hour, a child, as I say, may participate vicariously in the mugging of an unsuspecting victim in a New York subway station, or learn the art of sniffing cocaine at a celebrity bash in Hollywood. If our TV programs are a mirror of the values of our society, I believe, Mr. President, we are in serious trouble. For first amendment reasons, if none other, we cannot proscribe or censor the content or storylines of television programs en masse—though one might hope that television producers might use better judgment about their choices of those contents. But, at the very least, we can take the small step that I am proposing today to try to shield our children from this particularly odious type of airwave pollution.

We can get this corrupting, unfit "mental junk food" off the air during the hours when our children are most likely to be watching and listening. We can do this before another generation of children comes of age hearing and witnessing, under the guise of harmless situation comedy and cliched adventure drama, language and pornographic images that still shock even the more sophisticated of their parents. Indeed, we can take this small step before the salacious, prurient imaginings of irresponsible scriptwriters of today become the norms of conversation and behavior a decade or two from now. For these reasons, I urge the adoption of my amendment.

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

• Mr. HELMS. Mr. President, I am pleased to support the amendment offered by the distinguished Senator from West Virginia [Mr. BYRD], to protect our children from indecent programs on radio and television which are contributing to the erosion of family values in America.

Specifically, this amendment prohibits the broadcast of indecent material on radio and television except between midnight and 6 a.m. This legislation is deemed necessary because a Federal court of appeals decision found the 24-hour ban on indecent broadcast to be unconstitutional.

I was surprised and dismayed by the court's decision. I would prefer a complete ban or at least a compromise with the court, one pushing the prohibition to 2 a.m. or 3 a.m. But for the time being, I will support the midnight to 6 a.m. so-called safe harbor. If the midnight rule is ineffective in protecting children, I intend to revisit this issue legislatively in the Senate.

Mr. President, the American people have been deluged with increasingly sleazy programs on radio and television, programs that promote sexual promiscuity, homosexuality, and sexual violence.

Even a 1989 Planned Parenthood study found that networks broadcast "79,000 instances of sexual material" per year. About 9,000 of those were specific references to intercourse or deviant sexual practices.

Mr. President, television has gone from bad to worse. In a movie called "Favorite Son," shown during prime time on November 1, 1988, on a major network, a young woman in bikini underclothes was portrayed seducing a young man, and then asking him to bind her, hands and feet, to the bed.

Another program showed a young woman in underclothes from the back removing her bra, asking a stranger if he thought her boyfriend would like her better without the bra. This program prompted Terry Rakolta of Michigan to complain to the sponsors of the show. Mrs. Rakolta said, "I don't want my 8-year-old girl to think that the only way to impress men is for her to take off her clothes."

Mr. President, the networks have converted prime time into sleaze time. And the American people are fed up. A recent Gallup poll is a measurement of public disgust. The poll found that 58 percent of adults either frequently or occasionally feel uncomfortable about the contents of the TV programs they watch with their children. They most often object to sexually explicit material, 48 percent, more so than violent programs, 37 percent.

Mr. President, radio is just as bad. Many of the songs and the shock-jocks are disgusting. I do not refer to a few dirty words, or merely suggestive language. I am talking about filthy, vile descriptions or references to bestiality, sodomy, and child sex.

Among specific examples of programs that were found by the FCC to be indecent are the lyrics of a song entitled "Making Bacon." The words of this song describe various sexual acts and make explicit references to sexual organs.

Another example, entitled "The Jerker," is a sick discussion between two homosexuals describing how they perform their perverted acts. This filth, obviously, has no business being broadcast on the public airwaves. And that is why this amendment is so essential.

Mr. President, there are 42 million children in America, and many of them listen to the radio and watch television alone. The average child watches between 21 and 26 hours of television a week.

The bottom line is that this flood of sex and violence is influencing our children and molding their behavior. Studies show that television influences our children and it can have a potentially harmful effect. The 1972 Surgeon General's report concluded: "We know children imitate and learn from everything they see * * * it would be extraordinary, indeed, if they did not imitate and learn from what they see on television.

Another researcher stated that "television entertainment is saturated with sexual lessons which are likely to have an impact on young viewers' sexual development." I ask unanimous consent that excerpts from other studies which come to a similar conclusion, be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, we are raising a generation of children who are desensitized to violence and who assume that sexual promiscuity and profane language are acceptable forms of behavior. Unspeakably trashy radio and television are contributing to the decline of traditional family values.

Mr. President, television and radio are easily accessible to children of all ages. Children are in the audience at late hours. During its recent notice of inquiry [NOI], the FCC compiled substantial evidence in support of these two points.

The FCC found that 63 percent of homes have more than one television set and 99 percent have several radios. As many as 44 percent of children have their own television sets. And 68 to 80 percent have their own radio—walkman radios are now as common as baseball gloves and dolls—NOI paras. 23–26.

Furthermore, it is abundantly clear from the data that children are in the radio and television audience at midnight and even later. The FCC final report found that there were 1,471,000 teens listening to the radio between midnight and 12:15 a.m.—FCC report, para. 41. This is consistent with the data promulgated by one of the commentators, Salem Communications, which found the average number was 1,334,557 from midnight to 1 a.m. The cumulative number of all teens that tuned in during that time frame was 5,441,542.

The numbers also demonstrate that millions of children watch television late at night. For example, arbitron numbers in New York City show that 360,360 teens and 142,836 children watched television from 11 p.m. to 11:30 p.m. In Los Angeles, 114,345 teens and 58,323 children were in the audience during that time period—Salem Communications comments.

On a nationwide basis, it is projected that 4,293,848 teens watch television between 11 p.m. and 11:30 p.m., and this does not include children under age 12.

Mr. President, the FCC concluded that "there is a reasonable risk that significant numbers of children are in the audience for radio and television broadcasts at all times of the day and night"—FCC report, para. 65. —

Furthermore, parents are not always able to supervise their children, especially since so many have their own radios and televisions. As the FCC concluded, "the data further show that a significant number of children in the broadcast audience are not subject to active parental supervision. * * *" Therefore, parental supervision is not a cure-all. Parents deserve and need the added protection for children which this amendment offers.

It is impossible to argue that children are not in the audience at midnight—the evidence to the contrary is indisputable. In addition, the studies cited earlier indicate that children are influenced by televisions and radio.

Mr. President, the numbers and the studies prove that Congress must prohibit the broadcast of indecent material—at the very least up until midnight—if, as the courts put it, the "psychological well-being" of children is to be protected.

Do we not have a moral obligation to stand up and fight for the preservation of family values? If we remain silent, if we do nothing, we become a party to the pollution of the minds of our children and the degeneration of our society.

EXHIBIT 1

EXCERPTS FROM STUDIES AND ARTICLES ON EFFECTS OF TELEVISION

Roberts, Elizabeth J., "Television and Sexual Learning in Childhood," in D. Pearl, L. Bouthiler, and J. Lazar, op. cit. (Vol. II), 1982, pp. 209–223.

"Our concern with television's sexual curricula is of more than speculative interest. At the simplest level, one implication of the research is clear: television is a sex educator of our children and a potentially powerful one. Contemporary television entertainment is saturated with sexual lessons, lessons which are likely to have a impact on young viewers' sexual development and behavior."

Pearl, David; Bouthiler, Lorraine; and Lazar, Joyce, eds., "Television and Behavior: Ten Years of Scientific Progress and Implications for the Eighties" (Vol. I). (Washington, D.C.: U.S. Government Printing Office, 1982), p. 87.

"Almost all the evidence testifies to television's role as a formidable educator whose effects are both pervasive and cumulative. Television can no longer be considered as a casual part of daily life, as an electronic toy. Research findings have long since destroyed the illusion that television is merely innocuous entertainment. While the learning it provides is mainly incidental rather than direct and formal, it is a significant part of the total acculturation process."

Lowery, S. and Defleur, M., Milestones in Mass Communications Research, p. 384 (1983).

"There now seems little doubt that individuals learn from viewing television and that what they learn depends upon the content that they watch. In short, television can no longer be dismissed as mere entertainment. It is a major source of observational learning for millions of people. In that role it may be one of the most important agencies of socialization in our society."

Lowery, S. and Defleur, M., Milestones in Mass Communications Research, p. 406–7 (1983).

"Indeed, many parents believe television to be a major source of sex education for their children. In a 1978 study, about half of the 1400 parents interviewed indicated that their children learned more about sex from television than from any other source except themselves."

"During the 1970's, there was an increase of sexually suggestive behavior and innuendo."

"For example, sexual intercourse was frequently implied. It is significant that most references to intercourse on television * * * occurred between unmarried partners * * * this occurred five times as often as references to sexual activity between married couples."

Couglin, Ellen K., "Is Violence on TV Harmful to Our Health? Some Scholars, A Vocal Minority, Say No." The Chronicle of Higher Education—Scholarship. March 13, 1985.

"The 1982 study by National Institute of Mental Health, according to Professor Rubenstein 'describes TV as a very large influence on child development.'"

U.S. Surgeon General's Scientific Advisory Committee on TV and Social Behavior. "Television and Growing Up." United States Public Health Service, 1972.

"We know that children imitate and learn from everything they see—parents, fellow children, schools, the media; it would be extraordinary, indeed, if they did not imitate and learn from what they see on television."

Liebert, Robert M. "Television and Social Learning: Some Relationships Between Viewing Violence and Behaving Aggressively." (Television and Social Behavior. U.S. Department of Health, Education and Welfare, 1972).

"Investigators interested in socialization have virtually * * * all acknowledged that a child's values, knowledge and behavior may be developed and molded at least in part, by observational learning."

Liefer, Aimee Dorr, and Roberts, Donald F., "Children's Responses to Television Violence." (Television and Social Behavior. U.S. Department of Health, Education and Welfare). Stanford University, 1972.

"Given the nature of the medium, the large amount of time children devote to viewing * * * and the fact that children learn a great deal through simple observation of behavior it is difficult not to believe that television has a significant impact on children's social behavior."

Eckholm, Erik. "Two Studies Link Teen-Age Suicides to TV Programs," New York Times, Thursday, September 11, 1986.

"The new reports * * * strongest evidence to date that an 'imitative effect' influences the rate of teen-age suicides."

[Before the Federal Communications Commission, Washington, DC]

REPORT OF THE COMMISSION (PROCEEDING TERMINATED)

(MM Docket No. 89–494)

In the Matter of Enforcement of Prohibitions Against Broadcast Indecency in 18 U.S.C. §1464.

Adopted: July 12, 1990.

Released: August 6, 1990.

By the Commission: Commissioner Quello concurring and issuing a statement.

I. INTRODUCTION

1. In this report we respond to a remand of the record granted by the U.S. Court of Ap-

peals for the District of Columbia Circuit in *Action for Children's Television v. FCC* (*ACT II*).[1] In its remand order, the court directed the Commission to conduct a "full and fair hearing" on the constitutionality of a statutory provision[2] which requires the Commission to prohibit the broadcast of indecent material 24 hours a day.[3] The court granted the remand in light of the Supreme Court's recent decision in *Sable Communications of California, Inc. v. FCC* (*Sable*),[4] which held that government may regulate indecent speech if the regulation promotes a "compelling" government interest and is "narrowly tailored" to serve that interest. The Commission accordingly issued a *Notice of Inquiry* (*NOI*)[5] to solicit public comment on issues relevant to analyzing the validity of the 24-hour indecent broadcasting prohibition in view of the *Sable* decision.[6]

2. After careful consideration of the responses to our inquiry, we conclude that a 24-hour prohibition on indecent broadcasts comports with the constitutional standard the Supreme Court enunciated in *Sable* for the regulation of constitutionally protected speech. First, the Supreme Court has expressly recognized the government's compelling interest in protecting children from broadcast indecency, both to facilitate parental supervision and to promote the well-being of children who may be exposed to indecent material. Moreover, the narrowness with which courts have interpreted "obscenity" has commensurably broadened the range of patently offensive material that could be deemed "indecent" if broadcast, rendering the government interest in protecting children even more compelling. Second, the record in this proceeding reveals that no alternative to a 24-hour prohibition on indecent broadcasts would effectively serve this government interest. The best available evidence indicates that there is a reasonable risk that significant numbers of children ages 17 and under listen to radio and view television at all times of day and night. Neither time channeling nor ratings and warning devices permit effective parental control over these activities, and technologies that may permit control are not currently available. On the other hand, indecent material similar to that broadcast is readily available on other media over which parents can exercise control. Accordingly, we conclude that the compelling government interest in protecting children from indecent broadcasts would not be promoted effectively by any means more narrowly tailored than a 24-hour prohibition.

3. We recognize, however, that there may be instances in which children are not in the broadcast audience at a given time of day in a given market. We therefore have decided to modify our enforcement procedures to permit stations accused of airing indecent material to demonstrate that children in fact are not present in the broadcast audience in their market at the time the alleged indecent program was aired. We believe that, as thus enforced, the 24-hour prohibition against broadcast indecency clearly meets the narrowly tailored criteria applied by the Supreme Court in Sable.

II. BACKGROUND

4. This proceeding addresses Section 1464 of the Criminal Code, 18 U.S.C. §1464 (1988), first enacted by the Radio Act of 1927, reenacted by the Communications Act of 1934, and later codified in the Criminal Code. Throughout this period of more than 60 years, Section 1464 and its identical predecessor provisions have prohibited the broadcast of indecent language. Since 1934, the Commission has been authorized by the Communications Act to enforce Section 1464's provisions by, among other things, assessing forfeitures for its violations.[7]

5. In 1978, the Supreme Court affirmed the Commission's enforcement of Section 1464's prohibition on indecent broadcasting, including the Commission's definition of indecent language.[8] *F.C.C. v. Pacifica Foundation* (*Pacifica*), 438 U.S. 726 (1978); *See also Action for Children's Television v. F.C.C.*, 852 F.2d 1332, 1339 (D.C. Cir. 1988) (*ACT I*). In *Pacifica*, the Court also reaffirmed its holding in *Ginsberg v. New York*[9] "that the government's interest in the 'well-being of its youth' and in supporting 'parents' claim to authority in their own household justified regulation of otherwise protected expression." The Court found that these concerns, along with the broadcast media's uniquely pervasive presence and unique access to children, justified special treatment of the broadcast of indecent material. *Id.* at 748–749.

6. In *ACT I*, the D.C. Circuit Court affirmed the Commission's action in one case involving the daytime broadcast of indecent material, but remanded for further explanation two other cases involving broadcasts aired after 10 p.m. In the two cases remanded, the court found that the Commission had not adequately justified its narrowing the "safe harbor" during which indecent material could be broadcast from the hours of 10 p.m.–6 a.m. to midnight–6 a.m. The court also rejected the Commission's suggestion that channeling decisions could be made on a case-by-case basis, finding that such an approach could have a chilling effect on broadcasters' exercise of their First Amendment rights. Thus, the court directed the Commission to afford broadcasters clear notice of reasonably determined times at which indecent material safely may be aired.

7. Shortly after the *ACT I* decision, Congress directed the Commission to enforce the broadcast indecency provisions of Section 1464 on a 24-hour basis.[10] In response, the Commission promulgated the rule which now is at issue in this case.[11] A number of petitioners challenged the rule, and on January 23, 1989, the D.C. Circuit in *ACT II* stayed its implementation pending judicial review.

8. Before briefing and oral argument had occurred on the merits of the 24-hour prohibition, the Supreme Court, in its *Sable* decision, addressed the extent to which the government may regulate indecent telephone messages. After noting that indecent speech is protected by the First Amendment, the Supreme Court nevertheless affirmed that "[t]he government may, however, regulate the content of constitutionally protected speech in order to promote a compelling interest if it chooses the least restrictive means to further the articulated interest." *Sable*, 109 S. Ct. at 2836. Restating the point later in its opinion, the Court described the relevant constitutional standard as requiring that the means chosen by the government be "carefully tailored" or "narrowly tailored" to achieve the regulatory ends. *Id.* at 2839.

9. The Supreme Court in *Sable* distinguished the telephone medium from the broadcast medium, noting that "unlike an unexpected outburst on a radio broadcast, the message received by one who places a call to a dial-a-porn service is not so invasive or surprising that it prevents an unwilling listener from avoiding exposure to it." 109 S. Ct. at 2837. Also, in a concurring opinion, Justice Scalia suggested that indecent broadcasts could be prohibited if data demonstrate "the infeasibility of alternate means to provide . . . adequate protection of minors." *Id.* at 2840 (Scalia, J., concurring).

III. DISCUSSION

10. As noted above, based on the record in this proceeding and the Court's decision in *Sable*, we believe that the Commission's enforcement of a 24-hour prohibition on indecent broadcast programming comports with the First Amendment. Using the "compelling interest/narrowly tailored" standard set forth in *Sable*, we conclude that a 24-hour prohibition is the most narrowly tailored means of effectively promoting the government's compelling interest in protecting children from broadcast indecency because there is a reasonable risk that a significant number of children are in the broadcast audience at all times of day and night. In addition, we find that: (1) "children" are appropriately defined as minors 17 and under; (2) the government has a compelling interest in regulating children's access to indecent broadcast material, as the courts and Congress consistently have found; (3) our definition of indecency is not vague or overbroad and, in fact, repeatedly has been upheld by the courts; (4) other alternatives for protecting children, such as ratings, warning devices, or lock-out mechanisms would be ineffective; (5) because the risk of exposure to children exists even in the late evening and early morning hours, a time channeling approach would not protect children from indecent broadcast materials; and (6) adults have alternative sources of indecent materials. In order to tailor our enforcement of the 24-hour prohibition on indecent broadcasting as narrowly as possible, however, in actual cases of alleged indecent broadcasting stations will be permitted to demonstrate that children were not in fact present in the broadcast audience for the market at the time the programming at issue aired.

A. Constitutional standard

11. Several parties argue that the constitutionality of the indecency prohibition should be judged under the time, place and manner standard, rather than the more rigorous compelling interest/narrowly tailored standard applied by the Supreme Court in *Sable*.[12] However, based upon the Supreme Court's having applied the more demanding test in *Sable*, and similar views expressed by the D.C. Circuit in *ACT I* that content-based restrictions are sustainable only if "the regulation is a precisely drawn means of serving a compelling state interest,"[13] we believe it appropriate to apply the more rigorous standard.

12. It is well established that the First Amendment does not protect obscene speech, and that therefore the government has broad authority to regulate commerce in obscenity without reference to First Amendment principles. *Sable*, 109 S. Ct. at 2835; *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 69 (1973); *Roth v. United States*, 354 U.S. 476, 481 (1957). In contrast, as the Supreme Court observed in *Sable*, "[s]exual expression which is indecent but not obscene is protected by the First Amendment. . . ." 109 S. Ct. at 2836. *See also Pacifica*, 438 U.S. at 743 (Stevens, J.), 756 (Powell, J.). Nonetheless, the Supreme Court has indicated that it will uphold governmental regulation of indecent speech if the regulation meets the constitutional standards that the Court has articulated.

13. In *Sable*, the Court set forth the constitutional standard that governs restrictions on protected speech: the government may "regulate the content of constitutionally protected speech in order to pro-

footnotes at end of article

mote a compelling interest if it chooses the least restrictive means to further the articulated interest." 109 S. Ct. at 2836. The Court also stated that the means chosen by the government must be "carefully tailored" or "narrowly tailored" to achieve the regulatory ends. *Id.* at 2836, 2839. While the standard has been expressed with somewhat different wording,[14] we understand it to require, essentially, a showing that the regulation or statute serves a compelling governmental interest and is narrowly tailored to serve that interest. This standard is substantially more rigorous than the time, place and manner test applied to content-neutral regulation of speech,[15] which requires only that the regulation be a reasonable means of serving "a significant governmental interest" and that it leave "ample alternative channels for communication." *Consolidated Edison Co. of New York v. Public Service Commission of New York*, 447 U.S. at 535. *See also Clark v. Community for Creative Nonviolence*, 468 U.S. 288, 293 (1984); *Regan v. Time, Inc.*, 468 U.S. 641, 648 (1984).

B. Governmental interest

14. In effectuating our statutory mandate, our primary concern has been and remains the protection of children from exposure to indecent materials. *See* 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (statement of Senator Helms); *Reconsideration Order*, 3 FCC Rcd 930, 931 (1987), *aff'd in relevant part sub nom. ACT I*, 852 F.2d at 1340; *Pacifica Foundation*, 56 FCC 2d at 97, *recon. denied*, 59 FCC 2d 892 (1976), *rev'd, Pacifica Foundation v. F.C.C.*, 556 F.2d 9 (D.C. Cir. 1977); *rev'd, Pacifica*, 438 U.S. 726. In both *Pacifica* and *Sable* the Supreme Court recognized the government's interest in assisting parental supervision of their children and, generally, in protecting the well-being of youth, citing *Ginsberg v. New York*, 390 U.S. 629, 639 (1968). *Sable*, 109 S. Ct. at 2836; *Pacifica*, 438 U.S. at 749–750. In the *NOI*, we solicited comment on whether a 24-hour prohibition of broadcast indecency advances this interest. We also noted that courts have recognized an alternative governmental interest in protecting the public's right to be free from indecent material in the privacy of their homes, and sought comment on this point.

15. Although parties generally agree that the government has an interest in protecting minors from indecent broadcasts, they differ on the scope of that interest. Some parties maintain that the government's sole legitimate interest is to facilitate parental supervision, and not to substitute governmental for parental supervision.[16] In contrast, Morality in Media (MIM) argues that a 24-hour prohibition on broadcast indecency advances an independent governmental interest in the well-being of minors,[17] and that the *Pacifica* decision can be read to establish an "indecent for all" (including adults) standard, and not merely an "indecent for children" standard.[18] On the other hand, Broadcasters argue that there is no legitimate interest in protecting adults from indecency, as adults have a right to receive constitutionally protected indecent material.[19] Several commenters argue that a 24-hour prohibition also advances a governmental interest in protecting the public's right to be free from indecent material in the privacy of their homes.[20] Cohn and Marks (C&M) disagrees, arguing that adults, unlike children, are capable of receiving the "first blow" from constitutionally protected indecent speech without undue damage.[21]

16. It is well established that protecting children from exposure to indecent material is a compelling governmental interest. *See e.g., Sable*, 109 S. Ct. at 2836; *New York v. Ferber*, 458 U.S. 747, 756–57 (1982); *Ginsberg v. New York*, 390 U.S. 629, 639–40 (1968); *Carlin Communications, Inc. v. FCC*, 749 F.2d 113, 121 (2d Cir. 1984). Two related rationales underlie this interest. First, as the Court explained in *Ginsberg* and reiterated in *Pacifica*, *see* 438 U.S. at 749–750, "parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society," and parents are "entitled to the support of laws designed to aid discharge of that responsibility." 390 U.S. at 639. Thus, the regulation of broadcast indecency is intended "to facilitate parental supervision of children's listening." *ACT I*, 852 F.2d at 1343. In addition, the Supreme Court has expressly stated that "a State's interest in 'safeguarding the physical and psychological well-being of a minor' is 'compelling.'" *New York v. Ferber*, 458 U.S. at 756–57, quoting *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982). As stated by the Court in *Ginsberg*, "[t]he State also has an independent interest in the well-being of its youth." 390 U.S. at 640. The Court quoted with approval from *People v. Kahan*, 15 N.Y. 2d 311, 312, 206 N.E.2d 333, 334 (C.A.N.Y. 1965) (Fuld, J., concurring), which dealt with the sale of sexually explicit material to children:

While the supervision of children's reading may best be left to their parents, the knowledge that parental control or guidance cannot always be provided and society's transcendent interest in protecting the welfare of children justify reasonable regulation of the sale of material to them. It is, therefore, altogether fitting and proper for a state to include in a statute designed to regulate the sale of pornography to children special standards, broader than those embodied in legislation aimed at controlling dissemination of such material to adults.

390 U.S. at 640. *See also Prince v. Massachusetts*, 321 U.S. 158, 165 (1944) (state interest in protecting "the welfare of children" and preventing abuses that might prevent their "growth into free and independent well-developed men and children").[22] These two related purposes, supporting parental supervision and promoting the well-being of youth, support the enforcement of narrowly drawn measures to restrict children's access to indecent materials.

17. Despite the fact that protecting children from exposure to indecent material is recognized as a compelling governmental interest, some parties, including P.E.N. American Center *et al.* (PEN) and Broadcasters, argue that there is no proof that exposure to indecent broadcasts harms children. Broadcasters submit a study that concludes that few studies have been performed regarding harm resulting from indecency and that there is little evidence of harm to children.[23] On the other hand, Salem Communications Corporation (Salem) and American Family Association *et al.* (AFA) submit studies to support their argument that exposure to indecent broadcasting has the potential to harm children. For example, AFA submitted findings from a clinical psychologist who concludes that children are harmed by pornography.[24]

18. The debate over harm to children is not at issue here. Irrespective of the continuing social science debate, the courts have recognized Congress' authority, derived from the governmental interest in protecting its youth, to regulate access by children to indecent material. As a legal matter, it is well established that exposure of children to such material may be harmful, even if that effect has not been completely proven scientifically. *See Pacifica*, 438 U.S. at 757–58 (Powell, J., concurring); *Ginsberg*, 390 U.S. at 641–43. In proscribing the dissemination of indecent material to minors, Congress has considered testimony that cites its harmful effects and has responded not only with the statute and mandate before us in this particular case, but also with the passage of other statutes that limit the availability of indecent material to minors.[25] For example, Congress has acted to protect minors from indecent telephone messages,[26] and the Supreme Court in *Sable* fully recognized Congress' authority to do so (although it held that Congress in that case had not sufficiently tailored its effort to serve this interest). *See* 109 S. Ct. at 2839. Similarly, in 1984, Congress required cable operators to make available to their customers a device to enable them to control reception of indecent programming to protect minors from inadvertent access. *See* 47 U.S.C. §544(d)(2)(A). More broadly, the Supreme Court has upheld, in the face of a First Amendment challenge, a congressional statute which protects the public, and particularly children, from unwanted mail which the recipient considers offensively lewd. *See* 39 U.S.C. §§3008 and 3010 (1988); *Rowan v. Post Office Department*, 397 U.S. 728 (1970). These statutes evidence findings by Congress that children deserve protection from harm that indecent material may inflict. It is significant that the 24-hour prohibition specifically has been mandated by the Congress, and although Congress is not the ultimate interpreter of the Constitution, its findings and purposes are due deference as those of a coequal branch of government charged with providing for the general welfare of the United States. *See Metro Broadcasting v. F.C.C.*, No. 89–453, 58 U.S.L.W. 5053, 5061 (U.S. June 27, 1990).

19. Our concern with the harm to children caused by exposure to indecent broadcast material is particularly strong given the range of materials that could be included in the "indecent" programming category (and thus conceivably could be broadcast between 8 p.m. and 6 a.m., given the current restrictions on our enforcement authority). As Justice Scalia noted in his *Sable* concurrence, "the more narrow the understanding of what is 'obscene,' and hence the more pornographic what is embraced within the residual category of 'indecency,' the more reasonable it becomes to insist upon greater assurance of insulation from minors." *Sable*, 109 S. Ct. at 2839 (Scalia, J., concurring).

20. It thus is significant that the courts have applied a very narrow definition of obscenity in ruling on pornographic films, holding movies containing graphic depictions of sex acts, such as "Deep Throat" and "Debbie Does Dallas," are not legally obscene.[27] We recognize that these cases have not involved the broadcast media and that most broadcasters are likely to exercise self-restraint and not air such movies unedited. Our own enforcement actions demonstrate, however, that some broadcasters have been willing to air patently offensive, sexually explicit material that would seem to tread close to the obscenity line.[28]

21. The broad range of sexually-oriented material that has been or could be considered indecent or "protected speech"—but not obscene speech—accordingly heightens our concerns for preventing harm to children. Specifically, we find that Justice Scalia's statement in *Sable* is extremely relevant in the broadcast indecency context. It has become "more reasonable . . . . to insist upon greater assurance of insulation from minors" in light of the extremely pornographic na-

ture of what may be encompassed within the category of broadcast indecency.

22. Although the Commission has focused on the government's interest in protecting children as a basis for regulating broadcast indecency, preserving the privacy of the home provides an alternative basis for upholding the constitutionality of the 24-hour prohibition. In *Pacifica*, the Supreme Court's first stated rationale for sustaining the Commission's decision was the right of all members of the public to be free of indecent material in the privacy of their homes. The Court found that "the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment rights of an intruder." 438 U.S. 726, 748, *citing Rowan v. Post Office Dept.*, 397 U.S. 728 (1970); Id. at 759–60 (Powell, J., concurring in part).[29] In *Sable*, the Supreme Court again referred to this residential privacy interest, noting the "unique" attributes of broadcasting, *i.e.*, that it "can intrude on the privacy of the home without prior warning as to program content." 109 S. Ct. at 2837.[30]

23. The government's interest in preserving the privacy of the home reinforces its interest in protecting children. As D.C. Circuit Judge Leventhal noted in his dissenting opinion in *Pacifica*, "[w]ith the pervasiveness of TV-radio and its reach into the home the choice made by broadcasters precludes an effective choice by the family. Because of the unique interest in home life, especially strong in homes where children are being raised, it is bootless to quote from cases that reflect a more permissive attitude to speech in public streets and places, without attention to the difference . . . . The reality of broadcasting's special access to the home conjoins with the passivity of TV-radio reception—a mere click, without current purchase." 556 F.2d at 33 (Leventhal, J., dissenting). While the record demonstrates that a 24-hour prohibition on broadcast indecency is needed to advance our primary interest in controlling children's access to indecent materials, it also supports this alternative residential privacy interest, particularly the evidence concerning the pervasiveness of the broadcast media, the prevalence of random tuning and remote control devices, and the ineffectiveness of prior warnings. *See infra* at pp. 17–18 and 34–35.

C. Operative definitions

1. Definition of Indecency

24. In carrying out its statutory responsibility to enforce Section 1464, the Commission consistently has defined indecency as "language that describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." *Pacifica Foundation*, 56 FCC 2d at 98, 100 (1975), *aff'd*, *F.C.C. v Pacifica Foundation*, 438 U.S. 726 (1978); *Reconsideration Order*, 3 FCC Rcd. at 930 92 (1987), *rev'd on other grounds*, *ACT I*, 852 F.2d at 1338–39.[31] We continue to believe that this definition is sufficiently narrow to continue to pass muster under the First Amendment. Indeed, we note that the U.S. Court of Appeals for the D.C. Circuit, relying upon the Supreme Court's opinion in *Pacifica*, explicitly affirmed this definition recently in *ACT I*, 852 F.2d at 1340.

25. Many commenters agree that the Commission's generic definition of indecency retains its validity because it is sufficiently narrow and has survived Supreme Court scrutiny.[32] Others, however, claim that the definition is unconstitutionally vague,[33] and that the vagueness could suppress broadcast material with serious literary, artistic, social, and cultural value, as well as discussions on a range of subjects.[34] Several parties argue that the Commission should adopt a rule that defers to the reasonable, good faith judgments of licensees.[35] Finally, Broadcasters argue that a licensee should have a right to a trial *de novo* whenever the Commission applies the definition to specific circumstances.[36]

26. We do not believe that application of our definition of indecency will lead to unconstitutional censorship. We have emphasized that "subject matter alone does not render material indecent. Only when that matter is presented in a *manner* that is patently offensive will it be considered indecent." *Reconsideration Order*, 3 FCC Rcd at 932 (emphasis in original).[37]

27. Furthermore, we will continue to give weight to reasonable licensee judgments when deciding to impose sanctions in specific cases. We cannot, however, abrogate our statutory duty to enforce Section 1464 by deferring absolutely to broadcasters' judgments. *See ACT I* at 1340 n.14. Finally, in response to the suggestion by Broadcasters that a trial *de novo* be available, we note that under the procedure we have utilized for indecency enforcement actions, issuance of notices of apparent liability, a trial *de novo* is in fact available to any station that challenges the Commission's determination by not paying its forfeiture. *See* 47 U.S.C. § 504.

2. Definition of Children

28. We find that for the purpose of enforcing Section 1464,[38] children ages 17 and under constitute the category of persons that should be defined as "children." This conclusion is supported by the legislative history of the statutory 24-hour prohibition against indecent broadcasts, Supreme Court decisions addressing the regulation of other sexually explicit indecent materials, and other statutes governing the availability of indecent materials to children.

29. In the *NOI*, we noted that our 1987 enforcement rulings indicated that children 17 and under should be protected from indecent broadcasts, and sought comment on whether we should continue to so define children. Arguing generally that including all minors would be consistent with state laws protecting minors from other sexually explicit speech, some parties agree that "children" should include persons 17 years old and under.[39] However, opposing parties argue that even though states may protect children from obscenity, they do not protect children from indecency,[40] and that in any event there is no evidence that exposure to indecent speech harms children.[41]

30. Defining children to be protected from indecent broadcasts as those 17 years old and under is consistent with the legislative history of the statutory provision requiring the Commission to enforce Section 1464 twenty four hours a day. That history reveals that the statute's author intended to encompass children 12 to 17, as well as those under 12, within the class of persons to be protected by the 24-hour prohibition.[42] Since the statutory provision originated as an amendment introduced on the Senate floor, no committee reports exist for reference. The author's explanation, delivered immediately before the measure was adopted, therefore must be accorded substantial weight in interpreting the provision.[43]

31. In addition, defining children as those 17 and under is consistent with other laws regulating the availability of sexually explicit indecent materials to children. One such statute is the "dial-a-porn" prohibition, 47 U.S.C.A. § 223(b)(3) (Supp. 1990), enacted in 1989, which prohibits indecent telephone communications to persons under the age of 18. This provision is strong evidence that Congress has found that persons 17 and under should be protected from indecent materials. In addition, contrary to the comments cited above, the *NOI* at Appendix A lists statutes from 48 states that penalize persons for disseminating to minors materials that are sexually explicit, and not necessarily obscene by adult standards. Most of these state laws protect children ages 17 and under.

32. The government's interest in protecting children 17 and under from exposure to indecent materials also has been recognized by the courts. For example, when discussing an earlier version of the "dial-a-porn" statute, the Supreme Court in *Sable* explicitly recognized the government's "compelling interest in preventing minors from being exposed to indecent telephone messages," and tacitly approved Congress' decision to apply the statute to children ages 17 and under. 109 S. Ct. at 2839. Similarly, in *Ginsberg*, 390 U.S. at 631, and *Bethel School District No. 403 v. Fraser*, 478 U.S. 675, the Supreme Court found a compelling governmental interest in controlling the availability of indecent matter to persons in the 12–17 age group. These precedents make clear that the government has a legitimate interest in protecting persons 17 and under from exposure to indecent broadcast materials.

33. We recognize that the court in *ACT I* criticized the Commission for not clearly defining "children" for purposes of applying Section 1464 and for failing to justify its application to the 12–17 age group.[44] In this report we clarify that all children 17 and under will be included in the protected age group. We find sufficient justification for adopting this definition in analogous federal and state statutes, Supreme Court precedent, and in the legislative history of the 24-hour statutory prohibition against indecent broadcasts. Accordingly, for purposes of protecting children from exposure to indecent broadcast materials, we will consider "children" to be persons age 17 and under.

D. Narrowly tailored means

1. Accessibility to Children

34. As did the Supreme Court in *Pacifica*, we find that the broadcast medium is uniquely pervasive and accessible to minors, and that these characteristics further justify prudent regulation of indecent broadcast programs. The Supreme Court has recognized that "each medium of expression presents special First Amendment problems." *Pacifica*, 438 U.S. at 748. Broadcasting has specific characteristics that support regulation of indecency that would not necessarily be permissible if applied to other media. In particular, for purposes of regulating indecent broadcasting, the Court has noted "that broadcasting is 'uniquely pervasive,' can intrude on the privacy of the home without prior warning as to program content, and is 'uniquely accessible to children, even those too young to read.'" *Sable*, 109 S. Ct. at 2837, quoting *Pacifica*, 438 U.S. at 748–49.[45]

35. Notably, the Supreme Court in *Sable* distinguished indecent telephone services from broadcasting, observing that the caller to a "dial-a-porn" service must "take affirmative steps to receive the communication," 109 S. Ct. at 2837. In contrast, "[b]ecause the broadcast audience is constantly tuning in and out, prior warnings cannot completely protect the listener or

viewer from unexpected program content." *Pacifica*, 438 U.S. at 748. Thus, "[p]lacing a telephone call is not the same as turning on a radio and being taken by surprise by an indecent message." 109 S. Ct. at 2837.

36. The *Sable* decision strongly suggests that a 24-hour broadcast indecency prohibition is constitutional if it is the most narrow tailored means of protecting children from exposure to indecent materials. The reversal of the dial-a-porn prohibition in *Sable* rested not on the failure to channel such communication, but on the government's failure to show that a complete prohibition on indecent dial-a-porn was necessary to meet the government's interest in protecting children from the indecent material. The emphasis the Court placed on the inadequacy of the record in *Sable* thus supports a conclusion that a total prohibition on indecency would be upheld if the record demonstrates that no alternative would effectively serve the compelling interest at stake.

37. The record in this proceeding confirms the general pervasiveness and accessibility of broadcasts to chilcren. TV, available in virtually every household, is viewed an average of 26 hours per week by children ages 2 to 17 years old.[46] Between 25% and almost 50% of children have a TV set for their personal use.[47] Radio is even more pervasive, with each household having an average of over five radios. Over 99% of children age 12 to 17 listen to radio at least once a week.[48] Moreover, as described in detail *infra*, children do not just have general access to the broadcast media, but they in fact tune in to their radio and television sets without meaningful supervision at all times of the day and night.

2. Children's Listening and Viewing Habits

38. The record indicates that there are children in the radio and television audience at all hours of the day and night. The data further shows that a significant number of these children are not subject to active parental supervision, even during the late evening and early morning hours.

a. Radio

39. The data submitted in response to the *NOI* indicate that there are children in the radio listening audience at all times of day, with an average of nearly three-quarters of a million children listening to radio between midnight and 6 a.m. From this data we conclude that there is no time during which indecent material could be broadcast on radio without a reasonable risk that significant numbers of children will be listening to it.

40. The Commission's initial review of radio ratings and surveys revealed little quantitative information about the radio listening habits of children under 12 years of age, although listening data for children ages 12-17 were available. These data indicated that, in all time frames measured, including midnight to 6 a.m., a higher percentage of all children ages 12-17 listened to radio than the percentage of all adults 18 and over listening to radio. Furthermore, post-midnight listening for children ages 12-17 averaged 2¾ hours per week.[49]

41. The *NOI* indicated that the national listening audience for children ages 12-17 between midnight and 6 a.m. peaked at 1,471,000 between 12:00 and 12:15 a.m., decreased gradually to a low of 309,000 between 3:45 and 4:00 a.m., and then increased to 1,429,000 between 5:45 and 6:00 a.m. The average quarter-hour audience for the entire six hour block of midnight to 6 a.m. was 716,000 children ages 12-17. The average one day cume (the estimated number of *different* persons who listen to radio for a minimum of five minutes within a specified time frame) for between midnight and 6 a.m. was 3,533,000 children ages 12-17. That is, during any given midnight to 6:00 a.m. time frame on any given day, 3,533,000 different children ages 12-17. These listeners constituted 10 to 12 percent of the post-midnight total listening audience and this proportion was generally consistent for daytime listening as well.[50] We requested comment on these data and asked commenters to submit any other data or studies regarding listening habits of children and adults.

42. Commenters supporting the 24-hour prohibition submit that children ages 12-17 make up a substantial portion of the radio audience. MIM submits radio listening data for children ages 12-17 for New York, Chicago and Los Angeles collected by Arbitron for the summer of 1989.[51] MIM combines the data for the three markets and makes a national projection of post-midnight listening by children ages 12-17 that is remarkably close to the national data presented in the NOI.[52] MIM estimates that from 12 to 1:00 a.m. the average quarter hour audience for this age group nationally is 1,334,557, which is very close to the Commission's estimate of 1,429,000 for 12 to 12:15 a.m. MIM's estimated low in listening among children ages 12-17 occurs at 4-5 a.m. with 220,067 in the audience, whereas the Commission estimated 309,000 in the audience from 3:45 to 4:00 a.m.

43. Bonneville International Corporation (Bonneville) reviewed data on audiences for several of its radio stations that it classifies as having "some teen appeal," and found that children ages 12-17 are in the audience post-midnight. Bonneville also reviewed data for non-Bonneville stations in markets in which Bonneville has stations and, similarly, found stations with greater post-midnight listening by children ages 12-17 than any other demographic group.[53] Salem submits a Bakersfield, California, radio study showing that 28% of children ages 12-17 in that market listen to radio between midnight and 6 a.m.[54] National Religious Broadcasters (NRB) also submits radio data for Detroit and Tampa showing large numbers of 12 to 17 year olds listening to radio at all times of the day and night.[55]

44. Broadcasters claim that the audience for certain programming that the Commission is reviewing as (or has deemed to be) indecent contains few children, referring to a Gallup survey of New York area households with children ages 6-11 commissioned by Infinity Broadcasting indicating that in 99.6% of households surveyed, no children in that age group listen to the Howard Stern morning radio show.[56] In the sole household that reported a child listening to that show, it was reported that the child was supervised by an adult.[57] MIM responds that although Broadcasters assert that few children ages 6 to 11 listen to the Howard Stern show, there are older children in the audience. As reported in Arbitron's *Summer 1989 "Radio Market Report"* for New York, only 5 of the 48 stations listed for the New York market have a greater audience of children ages 12-17 than WXRK-FM Monday through Friday, 7-8 a.m., when a portion of the Howard Stern show is broadcast. MIM further states that Arbitron reports an estimated 10,600 children ages 12-17 listened to the Stern show for at least 5 minutes during any quarter hour from 7-8 a.m. Monday through Friday in the summer of 1989.[58]

45. Other commenters opposing the 24-hour prohibition dispute the Commission's initial findings and submit radio listening data in support of their position. KDVS-FM (KDVS) urges that channeling be used to enhance parental responsibility, and states that Arbitron and other radio surveys suggest that the number of young children in the audience during school hours is only between 3 and 5% of the potential audience of children ages 12-17. This group comprises only 1-4% of the total audience during these broadcast hours. Both of these figures are far lower than even those seen in the 11 p.m.-midnight sampling, and approximate the post-midnight sampling. KDVS claims that these statistics suggest two appropriate times for channeling—during the school day and the late evening hours. KDVS also states that the same survey (Arbitron *Fall 1983*) reported that, during Monday through Friday, 7 p.m. to midnight, only 10% of the total audience of children ages 12-17 listened to radio outside the home at those hours. Therefore, argues KDVS, most of the children in the radio audience would be subject to adult supervision.[59]

46. KDVS also states that children ages 12-17 make up only 10% of a very small midnight to 6 a.m. listening audience. KDVS maintains that nationally, only about 3.5% of children ages 12-17 are present in any quarter hour post-midnight time frame for all stations. KDVS estimates that if this age group comprises 10% of the population, then the 3.5% of all children ages 12-17 listening to radio post-midnight represents only 0.35% of the entire population.[60] Finally, KDVS states that the Commission, in the *NOI*, did not identify estimates of the sampling error or relative standard error involved in the ratings.[61]

47. Pacifica Foundation *et al.* (Pacifica) also claims that listening statistics regarding children ages 12-17 are flawed in their application. Pacifica states that the Commission gives the impression that a significant number of children in this age group listen to radio generally. Pacifica, like KDVS, claims that the percentage of children ages 12-17 of the total listening population (the largest possible representation of these data) does not reflect the percentage of these children in the actual total population. Pacifica states that the 12-17 year old listening population should be divided by the total population to obtain a more realistic representation of this group's listening.

48. Pacifica further observes that such data do not reflect children's listening to public radio stations. Pacifica relies on data from Arbitron, Spring 1989, to conclude that children ages 12-17 listening to public radio stations account for a mere 0.2% share of this group's listening to radio and no [0] share of total radio listening. Only 1.5% of the population of children ages 12-17 tuned into public radio for 5 minutes during an average week from this survey.[62] Broadcasters also refer to the minimal audience of children ages 12-17 that National Public Radio (NPR) attracts. Broadcasters submit that, according to the Arbitron National Report (Spring 1989), member stations carrying NPR programming have *no* measurable audience in this age group from 6 to 10 a.m. and 6 p.m. to 6 a.m.[63]

49. The submitted data confirm our initial determination that there are a significant number of children in the listening audience at all times of day and night. MIM, Salem and NRB have submitted data illustrating that the listening patterns of children ages 12-17 are similar to those described in the *NOI*,[64] which indicated that the percentage of children in this age group listening to radio during all time frames was higher than the percentage of adults age 18 and over listen-

ing to radio.[65] These 12 to 17 year olds represent over 10% of the 6.9 million total average quarter-hour listening audience from midnight to 6 a.m.[66] Although KDVS maintains that there are few children ages 12–17 in the listening audience during the day, even low numbers of children (KDVS' submission indicates that 1–4% of the total audience is children ages 12–17) confirm that there are significant numbers of children listening to radio during school hours. Similarly, although KDVS maintains that 12 to 17 year olds listening between midnight and 6 a.m. during any quarter hour make up only 0.35% of the total population, this figure represents 3.5% of all children in this age group in the U.S., or 716,000 children ages 12–17.[67]

b. television

50. Our initial data, and data supplied by several commenters, validate the Commission's concerns regarding children's viewing, especially late night viewing, of television. These data demonstrate that there is a reasonable risk that a significant number of children are present in the nationwide television viewing audience at all times.

51. The *NOI* stated that, based on ratings data, children are in the television audience throughout the day. Unlike radio, there are no reported data reflecting television viewing by age between 2:00 and 6:00 a.m. That which is available, however, demonstrates that children, particularly those ages 12–17, remain in the viewing audience throughout the last reported time period ending at 2:00 a.m. The data also indicate that between 3% (for ages 2 to 5) and 8% (for ages 12–17) of children's weekly viewing occurs between 11:00 p.m. and 1:00 a.m. The *NOI* also analyzed Arbitron data depicting the percentage of persons by age group that watch TV from 6:00 p.m. to 1:45 a.m. in four selected markets. These data show that percentage-wise, as many children ages 12–17 as adults watch television during the late evening hours, and that a higher percentage of 12 to 17 year olds than adults may watch television during these hours in some markets during the summer months.[68] We requested comment on these data and solicited additional studies or data regarding children's viewing.

52. The United States Catholic Conference (USCC) submits results of a radio listening and television viewing survey of almost 8100 children attending Catholic diocesan schools (5,726 age 12 and under and 2,346 age 13–18). The USCC survey indicated that children 12 and under watch an average of 3.5 hours of television per day, mostly from 3–9 p.m. Monday through Friday, and an average of 6 hours per day on the weekend, mostly from 8–11 a.m. and 7–11 p.m. USCC also reported that children age 13–18 watch an average of 3.5 hours per day, mostly from 4–11 p.m. Monday through Friday, and an average of 6 hours per day on the weekend, mostly from 7–9 a.m. and 2–11 p.m.[69] USCC concludes that *if* a reasonably clear distinction between times when children are and are not in the audience can be discerned, then time of day restrictions for the broadcast of indecent material could be established.

53. KDVS takes issue with the Commission's graphic representation of Arbitron television viewing data for the four markets that appear in Appendix C of the *NOI*. It asserts that the post-10:30 p.m. periods are measured in fifteen-minute intervals, whereas pre-10:30 p.m. time periods are measured in thirty-minute intervals, thus depicting the rate of audience decline after 10:30 p.m. as slower than it is in reality. KDVS further states that the Commission has implied incorrectly that the proportion of age groups represented on the charts is indicative that each group is similar in size.[70]

54. Several commenters have filed evidence indicating that children comprise a significant portion of the late night audience. Salem and NRB submit data showing that, in five metropolitan areas, the number of children in the viewing audience late at night is substantial.[71] For example, in the Washington, D.C. market, for July 1989, seven percent of children ages 12–17 and four percent of children ages 2–11 are in the viewing audience from 1:45 to 2:00 a.m., Monday through Friday. Salem averages the data for the five markets and projects the national television audience for various post-11:00 p.m. time frames. For the 1:45–2:00 a.m. period, Salem projects that, nationally, 4.8% of children ages 12–17 watch television. This translates to over 970,000 12 to 17 year olds in the television audience at that hour.[72]

55. These data and our initial data confirm our belief that there is a reasonable risk that significant numbers of children are watching television at all times, including late at night. USCC's suggestion that distinctions can be made as to when children are or are not in the viewing audience is unpersuasive. Its survey indicates only that children watch TV *mostly* in certain time frames, but these time frames are not all-inclusive of children's viewing. In addition, we note that 66.9% of U.S. television households have videotape recorders (VCRs).[73] Through VCRs, children can record late night programming for viewing during daytime, thus obtaining access to programs even if they are not in the audience when the programs are initially aired.

56. KDVS' arguments regarding the data presented in the NOI also are unpersuasive. Depicting audience in 15 minute intervals as opposed to 30 minute intervals from 10:30 p.m. to 1:45 a.m. achieves a greater level of accuracy in the measurement of late night TV audiences. Using 30 minute increments does not alter the percentage of each age group that is watching TV at those times. We agree with KDVS that the rate of decline for *all* audience segments is relatively steep late at night. This does not change the evidence indicating that children remain in the viewing audience late at night. With regard to KDVS' contention that the Commission implied that each age group in the four markets charted in Appendix C of the *NOI* is similar in size, such an implication was not made. The *NOI* states that the percentage of each demographic group is represented on the chart. While the percentages of each group are, in some cases, equal, the actual numbers of each group are not. Nevertheless, there appears to be a reasonable risk that significant numbers of children are in the television viewing audience at all times.

c. supervision

57. As previously noted, the government has a clearly established compelling interest in protecting children from exposure to indecent broadcast materials, both to facilitate parental supervision of their children and to generally promote the well-being of youth. In order to compile a record with respect to supporting parental supervision, the *NOI* requested comment on parents' ability to supervise children's listening and viewing, whether parents in fact supervise listening and viewing, and whether parents are concerned about their children's exposure to indecent broadcasts. Our preliminary finding was that there is significant unsupervised television viewing by children on a daily basis. In addition, while there are fewer data available to measure unsupervised radio listening among children, we preliminarily concluded that, because of the number of radios per household, a significant number of children have the opportunity for, and actually engage in, unsupervised listening.[74] Our review of the record in this proceeding confirms the validity of these preliminary findings, and demonstrates that unsupervised children are watching and listening to television and radio at all times of day or night.

58. Broadcasters dispute the NOI's assumption that in order to supervise their children, parents must co-view or co-listen with them or have specific knowledge of their viewing or listening. Broadcasters argue that as long as parents or other adults are present, they have the opportunity to supervise their children's viewing and listening. Broadcasters maintain that examining the presence of adults as the key to whether children are subject to adult supervision is analogous to the methods used by courts to examine the regulation of indecent material by cable and telephone. Rather than examining the actual use of technical devices to block reception of indecent material transmitted by cable or telephone, or examining parental supervision, Broadcasters state that courts instead analyze the opportunity to use these methods to block reception.

59. Broadcasters commissioned a survey of 1,000 homes with children 17 and under to determine opportunities for parental and adult supervision. According to the survey, over 88% of children were under parental supervision and 98% were under adult supervision between the hours of 8:00 p.m. and 6:00 a.m. During the 10:00 p.m. to 6:00 a.m. period, over 93% of children were under parental supervision and 99% were under adult supervision. Between midnight and 6:00 a.m., over 98% of children were under parental supervision and 99% were under adult supervision.[75] Broadcasters claim these data demonstrate that parents or other adults have the opportunity to supervise their children's viewing and listening during these hours.

60. MIM disputes Broadcasters' study, arguing that under the "opportunity for supervision" theory advanced by Broadcasters, the study equates presence with supervision, assumes that a child will not watch television or listen to the radio after his or her bedtime, and assumes that supervision by anyone over the age of 18 is the equivalent of parental supervision.[76] AFA argues that even if a child is in the presence of an adult, that adult may not supervise a child as a parent would.[77] Even when parents are home, AFA argues, there is limited parent-child co-viewing habits of television. AFA submits the results of a 1989 study of co-viewing habits of parents and children that concludes that parents generally do not view family series with their children. The study found that, on average, parents and second graders co-viewed 5.6 prime time and 1.96 syndicated series in the last year. Parents and sixth graders co-viewed 7.21 prime time and 2.05 syndicated series, while parents and tenth graders co-viewed 7.63 prime time and 2.8 syndicated series. The study determined that for all series and for prime time series only, the mean co-viewing frequency was between something less than "just a few times this year" and "have watched [together], but not in the last year."[78] The authors of this study claim that "parents co-view with children, particularly when their viewing preferences coincide, and that co-viewing is associated with generally positive parental attitudes toward television and specific beliefs in encouragement for children learning from television. [The data] do not, however, suggest

that co-viewing is very much motivated by an active determination to mediate children's television experiences."[79] On the other hand, USCC submits a survey of over 8,000 parochial school students showing that 81% of the respondents ages 12 and under, 70% between the ages of 13 and 18, watch television with an adult at night. The study also shows that 72% of the respondents ages 12 and under, and 90% between the ages of 13 and 18, sometimes or almost never listen to radio with an adult.[80]

61. The record before us demonstrates that the pervasiveness and accessibility of television and radio, coupled with the lack of effective parental control mechanisms, discussed *infra*, make effective parental supervision exceedingly difficult if not impossible for the average parent. We noted in the *NOI* that 63% of television households have more than one television set, and of the ninety-nine percent of households with radios, each household has, on average, over five.[81] The number of televisions and radios in households can easily prevent a parent from actively supervising a child's viewing and listening habits. In a household with more than one television, a child may watch a program without parental knowledge. VCRs permit a child to tape a television program for later viewing without parental knowledge. The ability to listen to radio without parental knowledge is even greater, given the number of radios in the average household, their portability, and the widespread use of headphones.

62. We note, moreover, that parents' control of children's television viewing and radio listening differs from parental control of cable viewing and telephone calls. Technical means are readily available to block children's access to indecent cable programs and indecent telephone calls. Upon request, cable operators must provide a device such as a "lock-box" or "parental key" that permits a subscriber to restrict access to selected programming,[82] and access codes and scrambling are among the methods which can restrict children's access to dial-a-porn services.[83] In both instances, these methods can restrict access by children whether or not parents are physically present and actively supervise. In the case of television and radio, however, there is no comparable means that is readily available upon which parent may rely to prevent children from watching indecent off-the-air broadcast television programs or listening to indecent radio programs. Most television receivers do not permit blocking of specific channels,[84] and channel blocking devices are not available for radios. There is no evidence in the record that a lockbox type of device is available for attachment to televisions and radios to prevent access to specific channels. Therefore, because parents cannot rely on technical devices to prevent children from viewing indecent programs, parents can effectively supervise their children only by co-viewing or co-listening, or, at a minimum, by remaining actively aware of what their children are watching at all times. As many concerned parents filing comments in this proceeding emphasized, however, it is not practical for parents to exercise this type of control. The letter of Elizabeth Urquhart of Houston, Texas, addressed to Commissioner Duggan, succinctly sums up the point made in a large number of other letters submitted in this proceeding in stating the "[I]t is not a matter of my responsibility to monitor. A person (parent) would have to be super human to monitor every program a child might watch—in and out of our home [*sic*]."[85]

63. We do not believe that Broadcasters' study demonstrates that parental presence alone can adequately protect children from indecent broadcast programming. Broadcasters' data show that at no time during the day are all children under parental supervision. Even during the period of time from 1:00 a.m. to 6:00 a.m., the survey found that 1.2 percent of the children were neither with a parent nor asleep.[86] Since children are in the broadcast audience during this period, it is not unlikely that some of these children could watch indecent programming broadcast late at night. In addition, although the survey asked parents if the child in question was "in the presence of at least one parent, stepparent, or legal guardian," the term "presence" was apparently undefined. A respondent may have answered that the child was in the "presence" of a parent even if the child was awake in another part of the home and the parent asleep. Nor did the survey ask what parents were doing during the hours that they were in the presence of children. Because there is no technical means to prevent children from viewing or listening to particular programs, supervision requires parents either to co-view or co-listen, or to remain actively aware of a child's viewing or listening at all times. As a practical matter, mere "presence" in the same house as a child does not necessarily translate into supervision.

64. Commenters have not disputed our estimates of the amount of unsupervised television viewing by children. Our analysis, based on a 1980 study of 817 American househoulds with children between the ages of 6 and 17, estimated that the maximum amount of unsupervised children's daily viewing ranges from 212 to 222 minutes and the minimum ranges from 40 to 54 minutes.[87] We also estimated that among children in certain age groups the maximum amount of unsupervised children's daily viewing could range from 357 to 375 minutes, if we assume that all of a child's viewing in two-television households occurs on a separate set from the parents'.[88] The *NOI* also suggested that the number of radios in households made a substantial amount of unsupervised radio listening by children likely. The data submitted by the parties to this proceeding do not refute these estimates. In any event, the record demonstrates that parents cannot always provide meaningful supervision, even when they are present at home. Accordingly, we conclude that there is a substantial amount of unsupervised viewing and listening by children, and that as a practical matter, the pervasiveness and technology of broadcasting serve to deny parents the means necessary to exercise effective control over these activities.

d. Conclusions

65. The above evidence indicates that there is a reasonable risk that significant numbers of children are in the audience for radio and television broadcasts at all times of the day and night. The number of children present, moreover, clearly is more than "a few of the most enterprising and disobedient young people." *Sable*, 109 S. Ct. at 2838. For example, evidence submitted by the commenters indicates that, in all time frames measured, a higher percentage of all children between the ages of 12 and 17 listened to radio than the percentage of all adults age 18 and over, even between midnight and 6 a.m.[89] Although some commenters claim that 12 to 17 year olds listening between midnight and 6 a.m. during any quarter hour make up only 0.35% of the total population,[90] this figure represents a full 716,000 children between the ages of 12 and 17.[91]

66. Similarly, the record demonstrates that there is a reasonable risk that a significant number of children are in the television audience throughout the broadcast day and night. As previously noted, available data show that children, particularly those between the ages of 12 and 17, are in the viewing audience until the last time period reported for television ratings. The data further show that as high a percentage of children ages 12 to 17 as adults watch television during the late evening yours. Indeed, for the 1:45 to 2:00 a.m. time period, one commenter has estimated that there are over 970,000 12 to 17 year olds in the television audience.[92] These figures, of course, do not take into consideration the number of children who may be using VCRs between midnight and 6 a.m. to record television programs for viewing at a later time.

67. The data further show that a significant number of children in the broadcast audience are not subject to active parental supervision, even during the late evening and early morning hours. Although Broadcasters have submitted a study alleging that many children are under "parental supervision" at all times of the broadcast day, the study does not establish that parents in fact actively supervise their children's viewing and listening of radio and television; rather, it shows only that most children are usually in the "presence" of an adult, an undefined term that leaves open the possibility that children may be watching or listening to a television or radio while their parents (or other adults) are in other parts of the house or are asleep. The record, moreover, indicates that children engage in unsupervised viewing and listening throughout the day and night not because of a lack of concern by parents, but because of the impracticality of total supervision that derives from a combination of the technology involved and the lack of available and effective parental control devices.

68. In sum, the evidence establishes that, given the pervasiveness and accessibility of radio and television, unsupervised children in pursuit of entertainment need be neither "enterprising" nor "disobedient" to turn on a television or radio, or to record a program on a VCR, at any time of day or night. Accordingly, we conclude that there exists a reasonable risk that a sufficient number of children are in the broadcast audience at all times to warrant narrowly-tailored government regulation of indecent broadcasting aimed both at facilitating parental supervision and promoting the well-being of youth. Such regulation is particularly necessary since, as previously discussed, a wide range of sexually explicit and patently offensive material may be encompassed within the definition of "indecency."[93]

E. Alternatives to 24-hour prohibition

69. The *NOI* solicited comment on alternatives to a 24-hour prohibition, including (1) channeling indecent broadcasts to a time of day when children most likely will not be exposed to them; (2) using program rating codes or pre-broadcast warnings to protect children; and (3) relying upon broadcast technologies to limit children's access. After careful consideration of the record, we conclude that none of these options can effectively advance our interest in protecting children from indecency and, accordingly, that a 24-hour prohibition is the most narrowly tailored means of serving this compelling government interest.

1. Time Channeling

70. Time channeling would establish a specific time period during which noon-obscene,

but indecent adult-oriented programming could be aired. The feasibility of this alternative depends on whether indecent broadcasts could be channeled to hours when it is unlikely that children would be in the audience. We conclude that, based on the data indicating that there is a reasonable risk that children are present in the viewing and listening audience at all times, there is no time when the reasonable risk of children in the audience is sufficiently low to make their exposure to indecent programs unlikely. Accordingly, we conclude that it would not be possible for broadcast stations, as a general matter, to channel indecent material to certain times of the broadcast day without risk that a significant number of children will be watching or listening without meaningful parental supervision.

71. Broadcasters argue that channeling broadcasts to times of day when parents have an opportunity to supervise their children gives parents a meaningful opportunity to prevent children's access to indecent programs.[94] A 24-hour prohibition, argue Broadcasters, places government in the position of deciding what children should see and hear.[95] KDVS suggests that the Commission implement time channeling during school days, when there is a reduced risk that children would be in the broadcast audience.[96] Other parties, however, note that a number of children are along during various time of the day.[97] In this regard, we note that *ACT I* affirmed the Commission's regulation of a daytime indecent broadcast.[98]

72. Finally, AFA argues that the effectiveness of a time channeling approach is diminished by the proliferation of VCRs, claiming that an estimated seventy-five to eighty percent of households with children have VCRs.[99] KDVS counters AFA's claim, arguing that most VCRs are purchased by parents, frequently for the personal use of their children, and that parents therefore must be aware of the possibility that their children may use VCRs to tape broadcast programming.[100]

73. After further consideration of time channeling, we conclude that we cannot identify a time when the reasonable risk of children in the audience is sufficiently low to make their unsupervised viewing of indecent programs unlikely.[101] We have determined that at all times there is a reasonable risk that significant numbers of children are in the broadcast audience for television and radio. The proliferation of VCRs further undermines a channeling approach for television, for, as AFA noted, a majority of households with children have VCRs that children may operate to tape a program. Clearly, many teens and even younger children know how to use the recording and playback functions of a VCR. As a result, delaying viewing on a VCR provides children with access to programs broadcast at a time when their live viewing is least likely.

74. Broadcasters' argument that stations should be permitted to channel indecent programming to times of day when parents have an opportunity to supervise their children, moreover, fails to address the impracticality of parents supervising their children's listening and viewing 24 hours a day.[102] The record in this case includes thousands of letters from parents addressing this issue and convinces us that parents who wish to exercise such supervision do not have the tools or time available to do so because of the pervasiveness of the broadcast media and the lack of effective parental control devices.[103] Although Broadcasters' study attempts to show that opportunities for parental supervision are extensive, it fails to demonstrate that meaningful parental supervision is possible as a practical matter.[104] Indeed, in view of the substantial amount of unsupervised viewing and listening by children, the number of children who are without parental supervision and the factors interfering with parental ability to supervise children's viewing and listening effectively, we must conclude that time channeling would be an ineffective means of protecting children from broadcast indecency.

75. Several commenters also argue that, because the Commission's definition of indecency and its indecency enforcement policies are allegedly vague, unless a time channeling approach is adopted in lieu of a 24-hour prohibition, the threat of sanctions could deter some broadcasters from presenting programs that are not actually indecent.[105] C&M maintains that time channeling recognizes the rights of broadcasters to transmit constitutionally protected indecent speech and the rights of listeners to receive indecent programming.[106] This request for a "safe harbor" to present indecent programming reflects a belief that a broadcaster cannot determine with any degree of certainty whether a specific program violates the guidelines adopted in this proceeding. This is incorrect. Our definition of indecency, read in conjunction with our decisions in enforcement actions, provides licensees sufficient guidance to decide whether a program would be indecent.

2. Rating and Warning Devices

76. Another alternative to a 24-hour prohibition of broadcast indecency is the use of a voluntary industry ratings code for television and radio broadcasts. The ratings, which would be published in television and radio guides and announced prior to each program, would alert the viewer or listener to the content of the program. We conclude that ratings and warnings would not effectively limit children's exposure to indecent programming, since this and viewing at all hours and in all locations. The effectiveness of ratings and warnings is further reduced by random tuning behavior known as "grazing," rapidly tune through the entire channel menu until they find something interesting enough to hold their attention.

77. The *NOI* requested comment regarding the use of a voluntary industry ratings code for television and radio braodcasts. However, the *NOI* expressed doubt that ratings and warnings would prevent minors from viewing or listening to indecent programming because the broadcast audience is constantly tuning in and out of programs, and suggested that random tuning behavior may be even more prevalent today than when *Pacifica* was decided in 1978.[107] The *NOI* suggested that children could be exposed to different programming in rapid succession without warning as to content either because they graze or because they are co-viewing with others who are grazing.

78. Several commenters address the possible use of ratings and warning devices. USCC and KDVS suggest that a combined time channeling and ratings system could be effective.[108] However, AFA and Salem suggest that ratings require parental supervision in order to be effective.[109] Other commenters fear that an indecency warning could attract children to a particular broadcast [110] or that a warning could serve to "license" an indecent broadcast by warning the viewer of content.[111] Several commenters also specifically responded to the Commission's discussion of grazing. Broadcasters submits a study conducted by Arbitron and NAB of 13,000 radio listeners aged 12 and over showing that this group listened to an average of 2.99 radio stations per week.[112] Broadcasters concludes that this study indicates that neither adults nor children engage in significant random tuning for radio. Pacifica claims that radio listeners, especially those who listen to noncommercial radio stations, do not engage in grazing.[113] On the other hand, others contend that grazing is prevalent.[114]

79. We conclude that ratings and warning would not effectively limit children's exposure to indecent programming. Currently there is no device which would permit a parent to "lock out" programming. Unless it were practical for parents to supervise viewing at all times, a child may ignore a warning and view or listen to indecent programming. Indeed, a warning may attract a child's attention and lead the child to view or listen to the program. This is of particular concern because of the significant amounts of unsupervised viewing and listening by children. We also believe that grazing is sufficiently common to reduce the effectiveness of ratings, even if a child is supervised. Grazing and channel changing by either a parent or a child may cause the viewer or listener to miss a content warning.[115] We believe the study cited by Broadcasters indicating the average number of radio stations listened to per week is not relevant in determining whether grazing occurs. Grazing involves turning to a number of channels in a short period of time, and such rapid switching may not be reflected in ratings. Broadcasters do not state whether the study asked listeners if they engaged in grazing to find those channels, or if they ever engaged in grazing. Therefore, we conclude that lack of parental supervision, coupled with the proclivity of viewers and listeners to graze, would undermine the efficacy of a system of ratings and warnings.

3. Broadcast Technologies

80. The *NOI* requested comment on whether there are feasible broadcast technologies that could restrict children's access to indecent broadcasts. We conclude that although such technology may be feasible, no such technologies are currently available to the public for this purpose.

81. The *NOI* suggested that the FM or television aural subcarrier could be used for the broadcast of audio indecency. The subcarrier signal would be receivable only by special decoders. Salem supports the *NOI's* assessment that subcarriers could be used to provide audio indecency. Salem maintains that an FM station could install a subcarrier signal generator at minimal expense, and that decoders for home use currently cost approximately $60, but could be expected to fall in price if produced in large quantities.[116] John W. Olivo, Jr., suggests use of a signal that would permit electronic blocking of programs by home receivers. KDVS, however, suggests that alternative broadcast technologies may not be financially feasible for many broadcasters, particularly noncommercial stations.[117]

82. As another alternative, NRB suggests that the Commission permit the broadcast of scrambled indecent material at any hour.[118] Kennedy Broadcasting ("Kennedy") similarly suggests that low power television (LPTV) stations be permitted to offer adult-oriented programming if scrambled. NRB and Kennedy argue that the decoder necessary to view scrambled programming would protect children from indecent material in much the same way as a cable lockbox or parental key. Kennedy also asks the

Commission to state whether indecency standards will be applied to subscription television.

83. With respect to scrambling, we note our previous statements that we do not impose regulations regarding indecency on encrypted services, such as subscription television, that lack "the indiscriminate access to children that characterizes broadcasting." *Video 44*, 3 FCC Rcd 757, 760 n.2 (1988), *rev. on other grounds sub nom. Monroe Communications Corp. v. F.C.C.*, 900 F.2d 351 (D.C. Cir. 1990). While signal blocking and subcarrier use appear to be technologically feasible to prevent reception by individuals not wishing to receive certain signals, neither is available today, so we cannot rely on these technologies either to protect children from exposure to indecent broadcasts or to assist parents in supervising their children's viewing and listening. Use of a signal as suggested by Olivo also is not available today nor expected to be available in the foreseeable future, and may or may not prove practical. However, we encourage interested parties to continue to bring to our attention technologies or other means capable of restricting access by children to indecent broadcast programs.

F. Non-Broadcast Alternative Programming Sources

84. We recognize that we must be sensitive to the concern of the Supreme Court that the adult population not be reduced to seeing or hearing only what is fit for children.[119] In *Pacifica*, the Supreme Court recognized that non-broadcast alternatives to broadcast indecency are available to adults, including tapes, records, theaters and nightclubs. The *NOI* requested comment on whether these non-broadcast alternatives and additional non-broadcast alternatives, including cable with a lock-box capacity, videocassettes, audiocassettes, and motion pictures, provide adults with access to visual and audio programs functionally equivalent to those that would be proscribed from broadcast. We noted that cable television, a non-broadcast alternative not mentioned by the *Pacifica* Court, provides adults with access to programming designed for mature audiences yet incorporates equipment that facilitates parental control over the viewing of their children. Several commenters agree with the Commission's assessment that adults have many alternative sources of indecent material.[120] AFA submits an analysis of the MPAA ratings for 1,309 movies shown on premium cable services from December 26, 1987, through January 12, 1990, and claims that 663, or 51%, were R-rated.[121]

85. In response, Broadcasters argue that total suppression of indecent material in the broadcast medium would deprive adults of their ability to receive protected material, and thereby would violate their First Amendment rights,[122] because much material that might be indecent either is not available elsewhere or could be found only with time or effort. Broadcasters also claims that live radio and television talk shows, special news reports, public affairs programs, and many made-for-television entertainment programs are not available elsewhere. Broadcasters maintains that at least seven of the broadcast programs that triggered Commission action in 1989 contained material that was unavailable in any other medium.[123] Even if some material is available, Broadcasters asserts, many adults will be deterred from obtaining the material because they will have to determine if the material is available and then purchase it. Furthermore, the timeliness of the material will be lost and, with it, a large measure of at least some of the programs' value.[124] Broadcasters also argues that adults' ability to purchase indecent material is irrelevant constitutionally because the Supreme Court has "made clear that free speech may not be 'abridged on the plea that it may be exercised in some other place.'"[125] Broadcasters also claims that "every decision cited in the long history of this proceeding, whether in broadcasting, cable, telephone, or print, unhesitatingly concluded that blanket bans on indecency violate the First Amendment."[126]

86. We conclude that a 24-hour prohibition on broadcast indecency will not, in the words of the *Pacifica* Court, "reduce adults to hearing [or seeing] only what is fit for children."[127] The Court specifically referenced *Butler* in affirming the Commission's action in *Pacifica*, noting that "[a]dults who feel the need may purchase tapes and records or go to theaters and nightclubs to hear these words." 438 U.S. at 750 n.28. *See also* 438 U.S. at 760 (Powell, J., concurring). Thus, the Court has recognized that the opportunity to obtain access to indecent material through other outlets is sufficient even if those outlets are not absolutely fungible with broadcasting.

87. In addition, indecent material is available on media that are largely indistinguishable, from the viewer's perspective, from broadcast television, although their characteristics facilitate restricting access to adults. Parties do not question that adults can obtain indecent material through cable television, wireless cable,[128] home satellite dishes,[129] or satellite master antenna television systems (SMATV)[130] and, soon in the future, DBS.[131] We note, for example, that as of July, 1990, 53.9 million households, or 58.6% of the total television households, subscribed to cable, and 71.3 million television households were passed by cable.[132] The individual who seeks indecent material via cable television need not leave his or her home to obtain the material. Furthermore, through the use of a lock-box or parental key, parents can control children's viewing, even permitting children to view indecent material if parents believe that doing so is in a child's best interest. AFA in its comments demonstrates that a significant number of R-rated movies are shown on cable. Accordingly, imposition of a 24-hour prohibition on broadcast indecency will not significantly interfere with the ability of adults to view or listen to indecent programming.

88. Moreover, *Butler* does not address the situation presented here, in which there is no feasible way to offer adults access to the medium without offering access to children. *Butler* concerned the sale *to adults* of books "tending to incite minors to violent or depraved or immoral acts manifestly tending to the corruption of the morals of youth." 352 U.S. at 381. Distributors of books or other media such as magazines, movies, and video and audio cassettes, with a salesperson behind the counter, have the means to control access by children at their point of sale or access. Thus, in the words of Justice Powell, "dissemination of this kind of speech to children may be limited without also limiting willing adults' access to it." *Pacifica*, 438 U.S. at 758 (Powell, J., concurring). Broadcasting, however, has no salesperson behind the counter or lockbox which parents may use to control access. Unlike other media, broadcasting is delivered directly into the privacy of the home and does not distinguish among recipients. Accordingly, "such a physical separation of the audience cannot be accomplished in the broadcast media. * * * [T]he broadcaster cannot reach willing adults without also reaching children." *Id.* at 758–759. *Butler* simply does not address the conflict between adults' right to obtain indecent material and the need to protect children from exposure to such material in the broadcast medium. We believe, however, that the established compelling interest in protecting children, coupled with the impossibility of separating children from adults in the broadcast audience, must outweigh the right of adults to view or to hear broadcast indecency, especially when adults can readily see or hear such material on widely available and readily accessible media which can separate children and adults. As Justice Powell said, *Butler's* attentiveness to adults' rights "is not sufficiently strong to leave the Commission powerless to act" to control broadcast indecency. *Pacifica*, 438 U.S. at 760 (Powell, J., concurring).

G. Enforcement

89. The foregoing demonstrates that only a 24-hour prohibition would effectively serve to protect children from broadcast indecency. Nonetheless, although audience surveys and data demonstrate the likelihood that significant numbers of children may be found in broadcast audiences at all times of the day and night, in the future we will consider, on a case-by-case basis, evidence from a station charged with indecent broadcasting that the data concerning children's viewing or listening are not applicable in its specific market. In other words, we will permit the broadcaster to submit evidence illustrating that only "a few of the most enterprising and disobedient young people" are in the broadcast audience in the station's market at the time of the broadcast in question. In this regard, stations will not be required to show that children were not in the market audience on the specific date and at the specific time that the allegedly indecent program was aired (*e.g.*, Thursday, July 12, 1990 at 11:30 p.m.). Rather, stations will be permitted to demonstrate through ratings data or other probative evidence that children typically are not in the audience on the day and at the time in question (*e.g.*, Thursday nights at 11:30 p.m.). This policy will ensure that enforcement of the broadcast indecency statute will be narrowly tailored to situations in which there is in fact a risk that children are in the audience. We do not believe this requirement is unduly burdensome for a licensee.[133]

90. We note that in several prior instances, parties have responded to Letters of Inquiry or Notices of Apparent Violations with data which, they argue, demonstrate that few or no children were likely to have been listening to their particular station when the alleged indecent language was aired. Listeners and viewers, however, often switch indiscriminately from station to station and, particularly in the case of radio, "tune into a station generally without the benefit of a schedule of programs or warning as to potentially offensive content." *In re Pacifica*, 2 FCC Rcd at 2701, citing *Pacifica*, 438 U.S. at 760 n.2 (Powell, J., concurring). As a result, if children in a given market are in the broadcast audience, they may well tune into a particular station when "grazing" through different channels on their radio or TV set. Accordingly, to ensure that children are not exposed to indecent programming, we will require a station defending against a broadcast indecency complaint to demonstrate that children in fact are not in the broadcast audience for the entire market, not just the particular station, at the time it aired the allegedly indecent material.

IV. CONCLUSION

91. Based upon the information contained in the record and discussed in this *Report*, and our analysis of the applicable constitutional law as recently set forth by the Supreme Court in *Sable*, we conclude that the 24-hour prohibition on broadcast indecency is the most narrowly tailored means of protecting children from indecent material. In 1988 Congress, concerned with children's access to indecent material through broadcast stations, statutorily required this Commission to enforce the prohibition against indecent material on a 24-hour-a-day basis. In response to the Court's remand of the record in *Act II*, in which the validity of the statute and the Commission's implementation of it was put at issue, we have conducted a full and fair proceeding to assess the validity of the 24-hour prohibition. In the *NOI*, we invited comment on a broad range of relevant issues and received comment on these and additional issues that responding parties wished to address. Over 92,500 comments have been received in response to this *NOI*, the vast majority of which favor the 24-hour prohibition.

92. Congress and the courts have determined that indecent material is potentially harmful to children. The Commission's definition of indecency has been affirmed by the Supreme Court, and permits broadcasters to identify material that is indecent. Because data gathered in this proceeding establish that children are in the broadcast audience at all times of the day and night, we do not believe that a channeling mechanism will accomplish the compelling governmental purpose of protecting children. Adults, on the other hand, have other means to access such material should they so desire.

93. To comply with *Sable's* requirement that the means to accomplish the governmental interest be tailored as narrowly as possible, we have decided, when enforcing the 24-hour prohibition, to consider on a case-by-case basis any information that children are not in the broadcast audience in the market of the station accused of airing indecent material. This policy, we believe, will ensure that enforcement actions are taken only against those stations that broadcast indecent material when children are in the audience.

V. ORDERING CLAUSES

94. Accordingly, it is ordered, That the late filed copy comments of AFA are accepted.

95. It is further ordered, That upon release, the General Counsel is instructed to submit this *Report* to the U.S. Court of Appeals for the District of Columbia Circuit in response to the remand of the record in *Action for Children's Television v. F.C.C.*, No. 88-1916.

96. It is further ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
DONNA R. SEARCY,
Secretary.

FOOTNOTES

[1] No. 88-1916 (D.C. Cir. Sept. 13, 1989).

[2] The Commission's 1989 appropriations law states: "By January 31, 1989, the Federal Communications Commission shall promulgate regulations in accordance with section 1464, title 18, United States Code, to enforce the provisions of such section of a 24 hour per day basis." *Making Appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 1989, and for Other Purposes*, Pub. L. No. 100-459, § 608, 102 Stat. 2186, 2228 (1988).

[3] Enforcement of the FCC regulation promulgating the 24-hour prohibition, codified at 47 C.F.R. § 73.3999 (1989), was stayed pending judicial review by the court in *ACT II*.

[4] 109 S. Ct. 2829 (1989).

[5] 4 FCC Rcd 8358 (1989).

[6] We received over 92,500 formal and informal responses to our *NOI*. Almost 88,000 informal letters supported a 24-hour prohibition, while approximately 4,500 letters opposed it. Formal commenters are listed in Appendix A, and the informal comments have been placed in the docket file. American Family Association *et al.* (AFA) filed its reply comments one day late. In the interest of assembling a full and complete record, and the lack of prejudice resulting to any party, we will accept those comments.

[7] *See* 47 U.S.C. §§312(a)(6) and (b), 503(b)(1)(D) (1988).

[8] The Commission's definition of indecent language remains "language that describes in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." *Pacifica Foundation*, 56 FCC 2d 94, at 98, 100 (1975). In our *Reconsideration Order* we explained that we separately consider the nature of the material involved and the time of broadcast because the time of broadcast is pertinent to whether the broadcast is actionable, rather than to whether it is indecent. *See* 3 FCC Rcd 930, 936 n.6 (1987); *ACT I* at 1338 n.8.

[9] 390 U.S. 629 (1968). In *Ginsberg*, the Court upheld a state statute that prohibited the sale to minors (17 and under) or sexual material deemed by the legislature to be obscene as to children.

[10] *See* n. 2, *supra*.

[11] 47 CFR § 73.3999 (1989). *See Order in Enforcement of Prohibitions Against Broadcasting Obscenity and Indecency in 18 U.S.C. § 1464*, 4 FCC Rcd 457 (1988).

[12] Morality in Media (MIM) Comments at 23-32; Salem Communications Corporation and Focus on the Family (Salem) Reply Comments at 24-27.

[13] *ACT I* at 1343 n. 18, quoting *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 540 (1980).

[14] *Cf. United States v. Grace*, 461 U.S. 171, 177 (1983) (regulation must be "narrowly drawn to accomplish a compelling governmental interest); *Consolidated Edison Co. of New York v. Public Service Commission of New York*, 447 U.S. 530, 540 (1980) (regulation must be "a precisely drawn means of serving a compelling state interest"); *Schaumberg v. Citizens for a Better Environment*, 444 U.S. 620, 637 (1980) (law invalid because state's interest could be "served by measures less intrusive"); *Cornelius v. NAACP Legal Defense and Educational Fund*, 473 U.S. 788, 800 (1985) (state can exclude speakers if "compelling state interest" and "narrowly drawn exclusion"); *Perry Education Association v. Perry Local Educators Association*, 460 U.S. 37, 45 (1983) (government must show that "regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end"); and *First National bank of Boston v. Bellotti*, 435 U.S. 765, 786 (1978) ("closely drawn to avoid unnecessary abridgment," quoting *Buckley v. Valeo*, 424 U.S. 1, 25 (1976) (per curiam)).

[15] *See ACT I* at 1343 n. 18.

[16] Capital Cities/ABC (ABC) Comments at 28; Pacifica Foundation *et al.* (Pacifica) Comments at 32; P.E.N. American Center *et al.* (PEN) Comments at 9; Cohn and Marks (C&M) Comments at 20; and Comments submitted jointly by a number of broadcasters and organizations, including the National Association of Broadcasters, CBS Inc., Action for Children's Television, and the American Civil Liberties Union *et al.* (hereinafter collectively referred to as "Broadcasters") at 19, 23.

[17] MIM Reply Comments at 15-16.

[18] MIM Comments at 4-5.

[19] Broadcasters Comments at 5-6.

[20] MIM Comments at 12-14; AFA Comments at 2-7; Salem Reply Comments at 49-53.

[21] C&M Comments at 19 n.28. C&M's reference to absorbing the "first blow" derives from *Pacifica*, 438 U.S. at 749: "To say that one may avoid further offense by turning off the radio when he hears indecent language is like saying that the remedy for an assault is to run away after the first blow." *See also* n.29, *infra*.

[22] There seems to have been some understandable confusion in the past as to the extent to which we relied on both of these two purposes—supporting parental supervision and promoting the well-being of youth—in serving the compelling interest of protecting children. *Compare, e.g., Reconsideration Order*, 3 FCC Rcd at 930 ¶3, with 3 FCC Rcd 931 ¶11. The court in *ACT I* understood the Commission's position as based solely on its interest in supporting parental authority. *ACT I*, 852 F.2d at 1343. However, the Supreme Court in various cases, including *Ginsberg*, *Pacifica*, and *Sable*, has recognized a broader governmental interest in protecting children which goes beyond merely supporting parental supervision, and Congress specifically referenced this broader interest in directing the adoption of the 24-hour prohibition on broadcast indecency. *See* 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (statement of Sen. Helms). We take this occasion to state that, consistent with Congress' direction, the broader view more accurately reflects what we seek to accomplish—specifically, to support parental supervision and to promote generally the well-being of youth.

[23] Broadcasters Comments at Appendix A.

[24] AFA Reply Comments at Appendix 2. In defining pornography, Victor B. Cline, author of the study, noted that "something could be regarded as 'pornographic' but still not be legally obscene." *Id.* at 1.

[25] *See Telephone Decency Act of 1987*, Hearing Before the Subcommittee on Telecommunications and Finance of the U.S. House of Representatives Committee on Energy and Commerce, 100th Cong., 1st Sess. (Serial No. 100-99, Sept. 30, 1987) at pp. 22-26, 27, 63-64, 96-97; *Cable-Porn and Dial-A-Porn Control Act*, Hearing Before the Subcommittee on Criminal Law of the United States Senate Committee on the Judiciary, 99th Cong., 1st Sess. (July 31, 1985, Serial No. J-99-46) at pp. 103, 135-138.

[26] *See* Pub. L. 98-214, 97 Stat. 1469 (1983); amended by Pub. L. 100-297, 102 Stat. 424 (1988); further amended by Pub. L. 101-106, 103 Stat. 1159, 1192-1194 (1989).

[27] *See United States v. Various Articles of Obscene Merchandise, Schedule No. 2102*, 709 F.2d 132 (2d Cir. 1983). Other movies found not to be obscene included "Insatiable," "Star Virgin," "The Opening of Misty Beethoven," and "Inside Desiree Cousteau." The court described these movies as "examples of hardcore pornography, describing and depicting a wide range of scenes of explicit sex on the part of adults, singly and in groups, including detailed portrayals of genitalia, sexual intercourse, fellatio, and masturbation." 709 F.2d at 134. *See also Hermann v. United States*, 259 A.2d 347 (D.C. 1969), holding the movie "Threes, Menage a Trois" not to be obscene. The movie was described by the court as depicting "a succession of more or less disconnected scenes portraying or suggesting sexual activities including repetitive self-fondling of female nipples, lesbian-like stroking, some displays of female genital areas and pubic hair, and poses suggestive of cunnilingus between a fully dressed man and a partly dressed woman." 259 A.2d at 348.

[28] Examples of the patently offensive indecent material broadcast by some stations are included in Appendix B.

[29] In his concurrence, Justice Powell noted that "broadcasting—unlike most other forms of communication—comes directly into the home, the one place where people ordinarily have the right not to be assaulted by uninvited and offensive sights and sounds . . . . Although the First Amendment may require unwilling adults to absorb the first blow of offensive but protected speech when they are in public before they turn away, . . . a different order of values obtains in the home." 438 U.S. at 759 (Powell, J., concurring in part) (citation omitted).

[30] The Court has recognized the government's substantial interest in protecting the privacy of the home in non-broadcast contexts as well. *See, e.g., Frisby v. Schultz*, 487 U.S. 474, 484 (1988) (upholding a narrowly-tailored ban on picketing a specific residence and stating that "we have repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom"); *Carey v. Brown*, 447 U.S. 455, 471 (1980) ("The State's interest in protecting the well-being, tranquility and privacy of the home is certainly of the highest order in a free and civilized society"); *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 77-78 (1983) (Rehnquist, J., concurring) ("We have often recognized that individuals have a legitimate 'right to be left alone' in the privacy of the home . . . the one place where people ordinarily have the right not to be assaulted by uninvited and offensive sights and sounds").

[31] Our initial definition of indecency included the language "when there is a reasonable risk that children may be in the audience." *Pacifica*, 56 FCC 2d at 98. Starting with our 1987 decisions, however, we have treated the nature of the material involved and the presence of children in the audience as separate issues because the question whether there is a reasonable risk of children in the audience is "more pertinent to . . . whether a broadcast is 'actionable' under 18 U.S.C. §1464 than to whether it is indecent." *Reconsideration Order*, 3 FCC Rcd at 936 n.6. *See supra*, n.8.

[32] *See, e.g.*, MIM Reply Comments at 22–25; Salem Reply Comments at 10–21; and AFA Reply Comments at 3–7.

[33] *See, e.g.*, Broadcasters Comments at 35–40; PEN Comments at 11–16; Post-Newsweek Stations (Post) Comments at 1–2; ABC Comments at 19–21; C&M Comments at 7–16; and Cox Comments at 9–15.

[34] PEN Comments at 16–20; Pacifica Comments at 13–20; Post Comments at 2–5; and KDVS Comments at 11–14.

[35] Broadcasters Comments at 40; ABC Comments at 36–41; and Arizona Board of Regents *et al.* (Joint Parties) Comments at 22–23.

[36] Broadcasters Comments at 44.

[37] We also note that the courts already have determined that our definition of indecency is not unconstitutionally vague. *See ACT I* at 1338–1339.

[38] Section 1464 states that "Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years, or both." 18 U.S.C. §1464.

[39] *See, e.g.*, AFA Comments at 13; Bonneville International Corporation (Bonneville) Comments at 5; and Salem Reply Comments at 21–24.

[40] *See* Broadcasters Comments at 26–29. *See also* Cox Enterprises (Cox) Comments at 26–28 and PEN Comments at 20–23.

[41] Broadcasters Comments at 13–17 and Appendix A; Broadcasters Reply Comments at 10–12; Pacifica Comments at 30–31; and ABC Comments at 23–28.

[42] In enacting the 24-hour prohibition, Senator Helms, the author of the legislation, relied upon data regarding children 12 to 17 in arguing for enactment of the prohibition and, therefore, intended for it to apply to this age category. 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (Statement of Sen. Helms).

[43] *See North Haven Board of Education v. Bell*, 456 U.S. 512, 526–527 (1982); *Steiner v. Mitchell*, 350 U.S. 247, 254 (1956) (remarks of legislation's sponsor is an authoritative guide to statute's construction and deserves to be accorded substantial weight). *See also National Woodwork Manufacturers Association v. NLRB*, 386 U.S. 612, 640 (1967) ("It is the sponsors that we look to when the meaning of the statutory words is in doubt.").

[44] The Court in *ACT I* noted that the Commission in a 1976 legislative proposal had recommended that the regulation of broadcast indecency be directed to protecting children under 12. *See* 852 F.2d at 1342, citing 122 Cong. Rec. at 33,367 n.119. At the time, we made this recommendation for two reasons. First, we proposed that broadcasters could defend against an indecency complaint by showing that they had made efforts to minimize the risk of exposure to children. Including 18-year olds in the definition of children, we feared, would deprive broadcasters of this defense because of the difficulties inherent in effectively shielding 18-year olds from indecent programming. Second, we observed that age 12 "is the accepted upper limit for children's programming in the industry and at the Commission." 122 Cong. Rec. at 33,367 n.119; *see* 122 Cong. Rec. at 33,364 (Sept. 29, 1976).

However, not outside the confines of that debate and on further examination, we conclude that the appropriate "upper limit for children's programming" differs from the appropriate upper limit for protecting children from exposure to indecent material. To the extent the public interest requires broadcasters to offer age-specific or other special programming for children, that interest subsides when the child reaches an age, such as 12 years old, when general interest programming serves his or her needs. In contrast, the wide usage of the age of 17 and under in other federal and state laws intended to protect children from access to sexually explicit material demonstrates the general acceptance of the need to protect children older than 12 from exposure to such material. Moreover, our recommendation to Congress in 1976 simply struck a different balance between the need to protect children and the rights of adults to see or hear indecent matter from that struck by Congress in 1988 when it directed the Commission to enforce the prohibition on indecent broadcasting 24 hours a day.

[45] Similarly, in enacting the 24-hour prohibition on broadcast indecency, the statute's author expressed concern regarding the pervasiveness and accessibility of the broadcast medium. 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (statement of Sen. Helms).

[46] *NOI* at 8361.

[47] *Id.* Additional data submitted by AFA illustrates the pervasive nature of television, using the Chicago television market as an example. Chicago has 5 VHF and 3 UHF TV stations, of which most broadcast at least 20 hours a day, 7 days a week. As a result, for over 80% of all hours in a week, day or night, there are at least 8 different programs being broadcast simultaneously. In a typical 168 hour broadcast week, there are over 1,120 hours of programs broadcast. AFA Comments at 41–42.

[48] *Id.*

[49] *Id.* at 8361.

[50] *Id.*

[51] MIM Comments at 42–62.

[52] *NOI* at 8361.

[53] Bonneville Comments at 6–7. Bonneville's statistics are from Spring 1989 Arbitron Radio Ratings (Metro AQH M–F midnight–1:00 a.m.).

[54] Salem Reply Comments at Exhibit 1.

[55] NRB Reply Comments at Exhibit 2.

[56] Mr. Stern's morning radio show was the subject of one of the Commission's 1987 indecency decisions. *See Infinity Broadcasting Corp. of Pennsylvania*, 2 FCC Rcd 2705 (1987).

[57] Broadcasters Comments at 26 n.65, citing a poll by the Gallup Organization, WXRK Radio, Special Listenership Study (Dec. 1989).

[58] MIM Reply Comments at 20.

[59] KDVS Comments at 7–9.

[60] KDVS Reply Comments at 3–4.

[61] *Id.* at 5–6.

[62] Pacifica Comments at 23–25 and Attachment 4.

[63] Broadcasters Comments at 26.

[64] *NOI* at 8361 and Appendix B, Tables 3 and 4.

[65] *NOI* Appendix B, Table 3.

[66] With regard to KDVS' concern that the Commission omitted estimates of the sampling error or relative standard error in the data presented in the *NOI*, the Commission does not attach the rating companies' descriptions of methodology with error and reliability estimates for their data. However, these descriptions are readily available in ratings reports, and do not suggest that this information is systematically skewed.

[67] *NOI* at Appendix B, Table 4.

[68] *NOI* 8362 and Appendix C.

[69] USCC Comments at 5. We note that USCC admits that the results of its survey are not conclusive, and that it was unable to receive a full response to its survey. *Id.* at 5–6.

[70] KVDS Reply Comments at 4.

[71] Salem Reply Comments at Exhibit 2 and NRB Reply Comments at Exhibit 1, citing data from Arbitron *Television Market Reports* for the five markets for July 1989.

[72] Salem multiplies the 20,524,000 total population of 12 to 17 year olds cited in the *NOI* by 4.8% to arrive at 972,192 children in this age range. Salem Reply Comments at 65.

[73] *1990 Nielsen Report on Television* at 1.

[74] *NOI* at 8363.

[75] *Id.* at 2–34, Appendix C.

[76] MIN Reply Comments at 18–19.

[77] AFA Reply Comments at 8.

[78] AFA Comments at 38–39.

[79] *Id.* at n.55.

[80] USCC Comments at 5–6.

[81] *NOI* at 8361.

[82] Cable Communications Policy Act of 1984 §624(d)(2), 47 U.S.C. §544(D)(2).

[83] *See* 47 U.S.C.A. §223 as amended by Pub. L. 101–66, 103 Stat. 1159, 1192–1194 (1989); *Regulations Concerning Indecent Communications by Telephone* (*Report and Order*), FCC No. 90–230, adopted June 14, 1990.

[84] In replay comments, Broadcasters submit a list compiled by the Consumers Union of selected television models currently sold in the United States. Broadcasters claim that over 120 models are equipped with a channel blocking feature that prevents unauthorized access to channels. Broadcasters Reply Comments n. 14, Appendix 5. Virtually all of the televisions on this list have at least a twenty-inch screen and, judging by the list price, appear to be color televisions. Broadcasters provide no data showing the market share held by these models. No commenters submitted evidence as to whether channel blocking devices for attachment to existing television sets are available. Furthermore, Broadcasters offer no information as to how channel blocking works, particularly whether a channel blocking feature completely prevents access to a particular channel or whether it may easily be circumvented. Moreover, most television sets used in homes today do not have any blocking mechanism. Finally, no party has submitted evidence regarding the feasibility of using televisions with channel blocking in this context, or of the market penetration of these televisions.

[85] Many letters submitted in this proceeding emphasized the impossibility of close supervision. Representative of these are the following five. Mrs. Barbara Gigous of Warsaw, Indiana, wrote: "I have two teenage boys who have their own walkmans and tape recorders. There is no way that I can know what they are listening to all the time." Donald and Sandra Lee of Irving, Texas stated: "As working parents, our children have access to television at times when neither my husband nor myself are available to screen their viewing. The radio is available everywhere they go and it is equally offensive. . . . " Yvonne Thomas of Boonesboro, Maryland, a public school teacher, wrote "Many children live alone with a television as both parents are working." Another teacher, Ann Davis of Shrewsbury, Pennsylvania, wrote: "I turned in the radio about 6 A.M. to see if any of the schools had been delayed [due to inclement weather]. This was the station suggested at school to listen to. I heard the most foul language and sexual innuendos I'd ever heard in public. . . . I had to ask [my son] to leave the room saying that I would let him know when the announcement was made." Cheryl Mayer of Bronson, Michigan, reported: "As I was driving my four children to school one morning, around 7:30, I was appalled at what I heard on a radio station. . . . two D.J's were very crude."

[86] Broadcasters Comments, Appendix C, Table 2.

[87] *NOI* at 8363 and Appendix B, Table 5 at 8376.

[88] *Id.*

[89] MIM Comments at 42–62; Salem Reply Comments at Exhibit 1; NRB Reply Comments at Exhibit 2; *see also* NOI at 8361 and Appendix B, Tables 3 and 4.

[90] KDVS Reply Comments at 3–4.

[91] *NOI* at Appendix B, Table 4.

[92] Salem Reply Comments at 65.

[93] *See* ¶¶ *19–21, supra.*

[94] Broadcasters Comments at 21.

[95] *Id.* at 23.

[96] KDVS Comments at 7–8. KDVS submits data from a 1983 Arbitron survey of the San Francisco metropolitan area showing that teens comprise one to four percent of the total television broadcast audience during the day.

[97] AFA Comments at 36–37; Lynda Beams (Beams) Reply Comments at 8–9 and Exhibit G; Bonneville Comments at 8.

[98] *ACT I*, 852 F.2d at 1341.

[99] AFA Comments at 29. *See also* Salem Reply Comments at 63, note 92, in which Salem cites a 1990 Nielsen study that over 14% of VCR taping is done from 11:00 p.m. to 6:00 a.m., and over 50% of VCR recordings are made when the television is turned off.

[100] KDVS Reply Comments at 6.

[101] For this reason, we overrule the conclusion reached in the *Reconsideration Order*, 3 FCC Rcd 930 (1987), that time channeling is an effective means of controlling children's access to indecent broadcasting.

[102] Indeed, it appears that the most effective means for parents to actively supervise their children's listening and viewing activities is to remove all televisions and radios. This result not only is highly impractical, but also would deprive families of the many benefits of the broadcast media.

[103] *See* n.85, *supra*.

[104] *See* ¶¶ 57–64, *supra*.

[105] *See* Post Comments at 1–2; Cox Comments at 24–25.

[106] C&M Comments at 28–30.

[107] *NOI* at 8363 and n.44. The *Pacifica* Court noted, "Because the broadcast audience is constantly tuning in and out, prior warnings cannot completely protect the listener or viewer from unexpected program content." 438 U.S. at 738.

[108] USCC Comments at 6; KDVS Comments at 1.

[109] AFA Comments at 46; Salem Reply Comments at 72.

[110] Beams Reply Comments at 10; Salem Reply Comments at 72; AFA Comments at 46.

[111] MIM Reply Comments at 30.

[112] Broadcasters Reply Comments at 9, n.17.

[113] Pacifica Comments at 21–23.

[114] AFA Comments at 44–46, n.65; Salem Reply Comments at 72, n.105; MIM Reply Comments at 35–36.

[115] We note that the broadcast in question in *Pacifica* was heard by a man while driving with his young son, and that the parent apparently missed the warning aired before the broadcast. *Pacifica*, 438 U.S. at 730.

[116] Salem Reply Comments at Appendix 18.

[117] KDVS Reply Comments at 7.

[118] NRB Reply Comments at 13.

[119] *Butler v. Michigan*, 352 U.S. 380, 383 (1957). In striking down a state statute that prohibited the sale to adults as well as to children of books "tend-

ing to the corruption of the morals of youth," the Court held that the statute was not reasonably tailored to its expressed purpose. In this case, a book arguably within the prohibited category was sold to an adult, and the Court stated that the effect of the statute was to reduce adults to reading only what is fit for children.

[120] *See* Bonneville Comments at 8-9; AFA Comments at 49-52; AFA Reply Comments at 34-36.

[121] AFA Comments at Appendices 4 and 5. In addition, Appendix 3 lists over 200 titles of videotapes available through sexually-oriented magazines.

[122] Broadcasters Comments at 6. *See also* PEN Comments at 8-9.

[123] Broadcasters Reply Comments at 3. Six of the broadcasts mentioned by Broadcasters consisted of radio talk shows, and the seventh included a live telephone conversation.

[124] Broadcasters Comments at 8-9.

[125] Broadcasters Comments at 9, citing *Schneider v. State*, 308 U.S. 147 (1939).

[126] Broadcasters Comments at 9-10.

[127] *Pacifica*, 438 U.S. at 750 n.28.

[128] "Wireless cable" is a relatively new service that provides multiple channels of video entertainment and informational programming using microwave frequencies and special reception equipment. Currently there are 50 or more systems operating in the United States, and numerous additional systems are planned. *See* Competition, Rate Deregulation and the Commission Policies Relating to the Provision of Cable Television Service, Report, MM Docket 89-600 at 53 (released July 31, 1990, FCC 90-276).

[129] An estimated 2.8 million home satellite dishes are in use. *Id.* at 55.

[130] Approximately 500,000 viewers subscribe to SMATV service. *Id.* at 57.

[131] *See Id.* at 56.

[132] *See Broadcasting*, July 16, 1990, at 94.

[133] We note that broadcast licensees are obligated to know and to serve the special needs of children, *see Children's Television Programming*, 55 R.R.2d 199, 214 (1984), and as a result, they appear to be uniquely able to demonstrate that children are not present in the listening or viewing audience.

[Before the Federal Communications Commission, Washington, DC]

REPLY COMMENTS TO NOTICE OF INQUIRY

(MM Docket No. 89-494)

In the Matter of: Enforcement of Prohibitions Against Broadcast Indecency in 18 U.S.C. Section 1464.

To: The Commission.

Prepared by: Salem Communications Corporation, Focus on the Family, H. Robert Showers, Esq., Legal Counsel.

Submitted on Behalf of: Salem Communications Corporation, Edward G. Atsinger, III, President, Focus on the Family. Dr. James C. Dobson, President.

1. Radio Listening by Children During Late Night Hours.

In *New York*, during July 1989, over 92,000 children between ages 12 and 17 listen to radio at least 5 minutes during an average 15 minute period (average quarter hour) and 368,000 listen for at least 5 minutes (cume) between 12:00 midnight and 1:00 p.m. That number is 7% and 28% respectively, of all teens in New York Metropolitan area. 57,400 teens listen on the average quarter hour and 246,400 listen during the time period 1:00 a.m.-2:00 a.m. In fact, the number of teens listening never drops below 16,000 per quarter hour and 66,000 per cume for any period during 12:00 midnight to 6:00 a.m. *See* Exhibit 1 at 1.

In *Chicago*, the trend is showing high numbers and percentage of teens in the radio listening audience during the late night/early morning hours. For example, 49,600 or 7.2% teens are listening on the average quarter hour between 12:00-1:00 a.m. and 29,500 or 4.29% of teens per quarter hour average from 1:00 a.m.-2:00 a.m. When examining the cume, the numbers jump to 216,300 or 31.5% for 12:00-1:00 a.m. and 133,000 or 19.4% from 1:00 a.m.-2:00 a.m. *See* Exhibit 1 at 2.

In *Los Angeles*, during July 1989 the statistics are similar showing 46,900 and 25,700, respectively, for 12:00-1:00 a.m. and 1:00 a.m. to 2:00 a.m. time slots for quarter hour teen listening audience. For the same time periods, 184,400 or 21.8% of all teens and 115,000 or 13.6%, respectively, are listening to one of the top 20 radio stations in Los Angeles. *See* Exhibit 1 for total late night teen audience and percentages in Los Angeles, New York, Chicago, Des Moines, Tampa & Bakersfield. When the three large metropolitan areas are combined, over *188,000 teens* on the quarter hour and *769,000 teens* for cume listen to radio between 12:00-1:00 a.m. Almost 27% of all teens in these three cities listen to radio for at least 5 minutes during that hour.[90]

The following chart indicates the national estimates for total teen listening audience:

ESTIMATES OF NATIONAL TOTALS

NUMBER OF CHILDREN LISTENERS 12 TO 17—NATIONAL ESTIMATES [1]

Time Slot Weekly Basis	Average quarter hour [1]	Cume	Percent of teens listening during hour
12 to 1 A.M.	1,334,557	5,441,542	26.87
1 A.M. to 2 A.M.	796,771	3,495,607	17.26
2 A.M. to 3 A.M.	447,211	1,935,320	9.56
3 A.M. to 4 A.M.	285,875	1,243,983	6.14
4 A.M. to 5 A.M.	220,067	850.000	4.20
5 A.M. to 6 A.M.	600,055	2,536,084	12.52

[1] 20,254,000. *See* Morality in Media Reply Comments at 49-60

If any alternative is successful in preventing all but a "few of the most enterprising and disobedient young people to secure access to such indecent messages," then a ban would be unconstitutional according to Justice Scalia in *Sable*. However, 5.4 million teens or 27% of all teens listening to radio between 12:00 a.m.—1:00 a.m. are not "a few young people." Even in a relatively small radio market like Bakersfield, California, 15.38% per quarter hour and 28.1% cume of teen population will listen to radio between 12:00 midnight and 6:00 a.m. *See* Exhibit 1 at 8. The national average estimates highlighted above are surprisingly similar to FCC estimates reported in the Notice. For example, 1,334,557 children are estimated to be listening on the average quarter hour 12:00 midnight to 1:00 a.m. above, while 1,429,000 teens are estimated to be listening between 12:00 midnight and 12:15. In fact, the Commission's low estimate between 3:45—4:00 of 309,000 is almost identical to the low estimate above of 285,000 for 3:00 a.m.-4:00 a.m. quarter hour average.

While the Court in *ACT* criticized the Commission for only estimating "the number of teens in the total radio audience" instead of indicating "the size of the predicted radio audience for the specific radio stations in question" per market by market data, the fact that teenagers are constantly dialing to locate different stations leads one to conclude that market data of children listening audience will also give you the potential listening audience per station. *See ACT*, 852 F.2d at 1341. In fact, the number one method of finding out about a station is flipping the dial with over 70% listeners discovering a station by that method. *Radio Trends*, 3 (May 1989). Ironically, the petitioners in ACT criticized the Commission for its use of specific station data rather than general time periods to determine reasonable risk of children in the audience.[91]

Thus, whether reviewed by national average or by market analysis, time channeling during late night hours will not prevent substantial numbers of children from listening to indecent radio broadcasts.

2. Television Viewing By Children During Late Night Hours.

The data discovered and presented in Exhibit 2 about the omnipresence of children in the television audiences and our children's television-watching habits are equally disturbing when considering time channeling and/or parental supervision as alternatives. Exhibit 2 of these Reply Comments summarizes the voluminous data about children (ages 2-11 and ages 12-17) in the late night television audience of Washington, D.C. during July 1989, New York Metro area during July 1989, Los Angeles during November 1989, Chicago Metro area during July 1989, and Des Moines during May 1989, as well as estimates of national averages. The figures are startling.[92]

In *Washington, D.C.*, 89,304 teens and 35,304 children (24% and 6% of the total teen and children population, respectively) are watching on an Average Quarter Hour Rating according to 1989 Arbitration statistics. By 2:00 a.m. 26,047 teens and 23,968 children (7% and 4%, respectively) are still watching. As with radio, at any time between 11:00 a.m.-2:00 a.m. there are greater percentages of chil-

[90] *See* Exhibit 1 at 4-6 for smaller cities' teen listening audiences during times traditionally reserved for channeling indecent broadcasts.

[91] Petitioners alleged that the station approach may have the practical effect "to cause broadcasters to forego the broadcast of certain protected speech altogether, rather than to channel it to certain specified late night shows." *Infinity Broadcasting, et al.*, 3 FCC Rcd. 930, 937, n. 47 (1987). However valid the objection by the ACT Court, three factors make the point here moot and irrelevant: (1) almost 54% of teens are listening (over 12 million nationwide) in any market from midnight to 6:00 a.m., *See* Exhibit 1 at 7; (2) Commission past history shows large numbers of teens listening to station, i.e., *Pacific Foundation, Inc. KPFR-FM*, 112,000 teens per quarter hour were listening at the time, 2 FCC Rcd. 2698 (1987); Regents of the University of California on KCSB-FM, 12,000 children per quarter hour were listening, 2 FCC Rcd. 2703 (1987) and *Infinity Broadcasting Co. of PA* on WYSP-FM, 60,000 teens in audience per quarter hour, 2 FCC (Rcd. 2705 (1987). *See* Exhibit 5.

[92] With the advent of video cassette recorders (VCRs), television has become more pervasive and accessible to children. VCRs permit children, particularly adolescents, to record a program during late night hours and view it later unsupervised. It is noteworthy that while nationally approximately 64% of all households had a VCR, "75%-80% with children have acquired one." M. Winn, "The VCR, A New and Important Baby Sitter?" *The New York Times*, p. 29, vol. 6 (Aug. 27, 1989). Over 14% of VCR usage is done in late night hours from 11:00 p.m.-6:00 a.m. Over 50% of all VCR recordings were made when the television was off. *See* Nielsen, 1990, Report on Television at 17. Thus, VCR has inserted a complicating factor to the equation of preventing children's exposure to indecent broadcast material.

Young children can even tape a program during the late night viewing and view it at a later time, presumably outside parental supervision. Out of 62,763,000 children under 18 identified by the Census in 1986, only 73.9% lived with both parents and 63.9% of the wives worked outside the home. Statistical Abstract of the U.S. 1988, No. 69,62 and 624 (108th Ed. U.S. Dept. of Commerce Bureau of the Census) on any given weekday, approximately 44,387,311 will be either in a home where the mother works outside the home or in a single parent home. thus, a significant number of parents are not physically able to monitor their children's listening or viewing habits simply because they are not present in the home with the child.

When this fact is combined with the over 5 million children (12-17) listening to radio and over 3 million watching television, only one conclusion can be reach—millions of children who are unsupervised are listening to indecent broadcasting in the late night hours. The real harm from access and exposure to indecent *visual* material is to pre-adolescent and adolescent children, who are becoming sexually curious, actively viewing and potentially imitating the inappropriate and, at times, dangerous sexual behavior depicted on indecent television.

dren (under 18) in the television audience than adults. One can presume from the statistics that this logically remains true throughout the early morning hours especially when the "remainder time period" (which includes 2:00-6:00 a.m. Monday-Sunday) in the Nielsen TV Viewing Activity Chart, shows that children and teenage combined percentages are significantly higher than adults. *See* Exhibit 2 at "1989 and 1990 Nielsen TV Viewing Activity for Children, Adults and All Persons."

In *New York*, 360,360 teens and 142,836 children (24% and 6%) watch TV from 11:00-11:30 p.m. Monday-Friday while on Friday and Saturday night the figures skyrocket to 345,345 teens and 95,224 children (23% and 4%, respectively) for Friday-Midnight to 12:15 a.m. and 450,450 and 142,836 (30% and 6% respectively) for Saturday night midnight to 12:15 a.m. In New York, large numbers of teens and children (2–11) are still in the television watching audience at 2:00 a.m.—90,090 teens and 23,806 children on the weekend.

The trend on the high number of children in the late night television audience continues for *Los Angeles* and *Chicago*. For example, in Los Angeles from 11:00 p.m.-11:30 p.m. Monday-Friday, 114,345 teens and 58,323 children are watching television with the number escalating again for weekends with 249,480 teens and 58,323 children watching television between midnight and 12:15 a.m. on Saturday night (24% and 3%, respectively).[93] In Chicago, 212,613 children (under 18) are watching television midnight-12:15 during the week and 288,812 and 276,315 children, respectively are watching on Friday and Saturday nights, post midnight (12:00-12:15 a.m.).

The national averages of teen television watching, as reflected below, are staggering:

NATIONAL AVERAGE ON TEEN TV WATCHING—(12–17)

Time	Average Percent	Total
11:00 to 11:30 P.M.	21.2	4,293,848
11:30 to 1:00 A.M.	15.2	3,078,608
1:45 to 2:00 A.M.	4.8	972,192
6:00 to 7:00 A.M.	3.0	607,620
Mid. to 12:15 A.M. (Friday)	17.8	3,605,212
Mid. to 12:15 A.M. (Saturday)	19.4	3,929,276

While one survey reveals that 81% of children under 12 and 70% of teens watch television with an adult during prime time 8:00 p.m.—11:00 p.m., statistics for all other times of the day show children under 18 watching television alone.[94] As was true with radio, children under 18 are watching television during the late night hours in greater percentage than even adults both weekdays (i.e., Washington, D.C., 23% to 19% from 12:00—12:15, Chicago 27% to 19% midnight to 12:15) and weekends (i.e., Los Angeles 27% to 20%, New York 36% to 22%, Washington, D.C. 25% to 19% and Chicago 33% to 20% from midnight—12:15 a.m. on Saturday night). With over 4 million teens (not counting children 2–11) in the television audience from 11:00—11:30 a.m. and over 3 million teens watching between 11:30—1:00 a.m. on the weekdays, the time channeling approach will not work for television either.[95]

[93] During the school year (November 1989), the teens and children television watching somewhat decreases as compared to summer but the weekend's high rates remain constant. Despite the expected decrease during the weekday schooldays, 114,345 teens and 58,323 children are watching 11:00-11:30 Monday-Friday and over 40,000 children (under 18) still watching television at 2:00 a.m. on a school night. *See* Exhibit 2 and 3.

[94] U.S. Catholic Conference Comments at 5.

[95] During weekend late night hours, the teenage TV viewing swell to 3,605,212 and 3,929,276 for Friday and Saturday nights midnight—12:15.

C. The Extensive Late Night Child Broadcast Audience and New Technology Undermines Parental Supervision and Requires Governmental Assistance.

Parental supervision during late night hours has become virtually impossible where between 79.9% and 53% have radios in their bedrooms, many of which have headphones making the sound almost impossible for the parent to detect.[96]

CHILDREN WATCHING LATE NIGHT TELEVISION

NATIONAL AVERAGE ON CHILDREN WATCHING TV—(12–17)

Time	Average percent	Total
11:00 to 11:30 P.M.	21.2	4,293,848
11:30 to 1:30 A.M.	15.2	3,078,608
1:45 to 2:00 A.M.	4.8	972,192
6:00 to 7:00 A.M.	3.0	607,620
Mid. to 12:15 A.M. (Friday)	17.8	3,605,212
Mid. to 12:15 A.M. (Saturday)	19.4	3,929,276

Assuming the Arbitron data on the five metropolitan areas to be universally representative of national TV viewing patterns among teens, we calculated national average by determining average percentage rates for Chicago, New York, Los Angeles, Des Moines, and Washington, and then applied the average percentages to the total number of teens in the United States, 20,254,000 as reported by the FCC on page 13 of the Notice.

CHILDREN WATCHING LATE NIGHT TELEVISION

WEEKLY TV VIEWING ACTIVITY FOR CHILDREN, ADULTS, AND ALL PERSONS

[In percent]

	Children			Adults[2]	All Persons 2+
	2–5	6–11	12–17[1]		
Mon to Sun 11:00 p.m. to 1 a.m.	4	4	8	5	9
Sat 1 to 8 p.m./Sun 1 to 7 p.m.	10	12	12	12	11
Sat and Sun 7 a.m. to 1 p.m.	10	11	7.5	5	5
Mon to Fri 10 a.m. to 4:30 p.m.	22	11	11	13.0	15
Mon to Fri 4:30 p.m. to 7:30 p.m.	16	19	17	13.5	14
Mon to Sat 8 to 11 p.m. & Sun 7 to 11 p.m.	21	29	32	31	30
Remainder (1 to 10 a.m. Mon/Fri and 1 to 7 a.m. Sat/Sun and 7:30 to 8 p.m. Mon/Fri	17	14	12.5	16	16
Total	100	100	100	100	100

Source: Nielsen Report on Television 1990, p. 8.

[96] *Wired Bedroom* at 1 and P. Christenson & P. De Bendedittis *Eavesdropping on the FM Bend*, 36 J. of Comm. 27,30 (Spring 1986). While research indicates that parents have little effect on their children's listening habits, the post-midnight hours provide the best opportunity for children to listen to radio without their parent's supervision. For example, one study directly contrary to ACT and NAB parental supervision "report," found that 72% of children under 13 and 90% of 13–18 teenagers listen to the radio with an adult only "sometimes" or "almost never." U.S. Catholic Conference Comments at 6. Catholic Conference's data also confirms the data summarized in Exhibit 1 at 1–8 that children listen to radio in far greater numbers then adults and predominantly late at night and early in the morning.

WEEKLY TV VIEWING ACTIVITY FOR CHILDREN, ADULTS, AND ALL PERSONS

[In percent]

	Children			Adults[2]	All Persons 2+
	2–5	6–11	12–17[1]		
Mon to Sun 11:00 p.m. to 1 a.m.	3	4	8	10	9
Sat 1 to 8 p.m./Sun 1 to 7 p.m.	10	12	12	12	11
Sat and Sun 7 a.m. to 1 p.m.	12	12	7	4	6
Mon to Fri 10 a.m. to 4:30 p.m.	21	11	11	14	14
Mon to Fri 4:30 p.m. to 7:30 p.m.	16	18	17	14	14
Mon to Sat 8 to 11 p.m. & Sun 7 to 11 p.m.	21	28	32	31	31
Remainder (1 to 10 a.m. Mon/Fri and 1 to 7 a.m. Sat/Sun and 7:30 to 8 p.m. Mon/Fri	17	15	13	15	15
Total	100	100	100	100	100

[1] Average male and female figures.
[2] 18+ category used.
Source: Nielsen Report on Television 1989, p. 8.

ADI/rank/survey period and day part or time period	Demographic group[1]	ADI rating[2]	ADO [erspms[3]
Washington/9 July 1989:			
Sign on-Sign off	Teens	19	70,699
Sun-Sat	Children	17	101,864
8:00–11:00 pm	Teens	31	115,351
M–F	Children	22	131,824
11:00–1130 pm	Teens	24	89,304
M–F	Children	6	35,952
11:30 pm–1:30 am	Teens	19	70,699
M–F	Children	4	23,968
Midnight–12:15 am	Teens	21	78,141
M–F	Children	5	29.960
1:45–2:00 am	Teens	7	26.047
M–F	Children	4	23,968
6:00–7: am	Teens	4	14,884
M–F	Children	3	17,975
7:00–9:00 am	Teens	6	22,326
M–F	Children	17	101,864
Midnight–12:15 am	Teens	25	93,025
Friday (i.e., Sat. Morning)	Children	7	41,944
Midnight–12:15 am	Teens	21	78,141
Saturday (i.e., Sun. Morning)	Children	4	23,968
1:45–2:00 am	Teens	14	52,094
Saturday (i.e., Sun. Morning)	Children	3	17,976
New York/1 July 1989:			
Sign on-Sign off	Teens	22	330,330
Sun-Sat	Children	18	428,508
8:00–11:00 pm	Teens	32	480,480
M–F	Children	22	523,732
11:00–11:30 pm	Teens	24	360,360
M–F	Children	6	142,836
11:30–1:00 pm	Teens	19	285,285
M–F	Children	3	71,418
Midnight–12:15 am	Teens	21	315,315
M–F	Children	4	95,224
1:45–2:00 am	Teens	6	90,090
M–F	Children	1	23,806
6:00–7:00 am	Teens	2	30,030
M–F	Children	6	143,836
7:00–9:00 am	Teens	8	120,120
M–F	Children	20	476,120
Midnight–12:15 am	Teens	23	345,345
Friday (i.e., Sat. Morning)	Children	4	95,224
Midnight–12:15 am	Teens	30	450,450
Saturday (i.e., Sun. Morning)	Children	6	142,836
1:45–2:00 am	Teens	16	240,240
Saturday (i.e., Sun. Morning)	Children	1	23,806
Los Angeles/2 November 1989:			
Sign on-Sign off	Teens	19	197,505
Sun-Sat	Children	18	349,938
8:00–11:00 pm	Teens	32	332,640
M–F	Children	21	408,261
11:00–11:30 pm	Teens	11	114,345
M–F	Children	3	58,323
11:30 pm–1:00 am	Teens	4	41,580
M–F	Children	1	19,441
Midnight–12:15 am	Teens	3	31,185
M–F	Children	1	19,441
1:45–2:00 am	Teens	2	20,790
M–F	Children	1	19,441
6:00–7:00 am	Teens	5	51,975
M–F	Children	7	136,087
7:00–9:00 am	Teens	8	83,160
M–F	Children	25	486,025
Midnight–12:15 am	Teens	6	62,370
Friday (i.e., Sat. Morning)	Children	2	38,882
Midnight–12:15 am	Teens	24	249,480
Saturday (i.e., Sun. Morning)	Children	3	58,323
1:45–2:00 am	Teens	9	93,555
Saturday (i.e., Sun. Morning)	Children		
Chicago/3 July 1989:			
Sign on-Sign off	Teens	22	156,002
Sun-Sat	Children	19	235,220
7:00–10:00 pm	Teens	35	248,185
M–F	Children	28	346,640

ADI/rank/survey period and day part or time period	Demographic group [1]	ADI rating [2]	ADO [erspms [3]
10:00–10:30 pm	Teens	29	205,639
M–F	Children	11	136,180
10:30 pm–Midnight	Teens	27	191,457
M–F	Children	7	86,660
Midnight–12:15 am	Teens	23	163,093
M–F	Children	4	49,520
1:45–2:00 am	Teens	8	56,728
M–F	Children	1	12,380
6:00–7:00 am	Teens	2	14,182
M–F	Children	4	49,520
7:00–9:00 am	Teens	6	42,546
M–F	Children	22	272,360
Midnight–12:15 am	Teens	32	226,912
Friday (i.e., Sat. Morning)	Children	5	61,900
Midnight–12:15 am	Teens	25	177,275
Saturday (i.e., Sun. Morning)	Children	8	99,040
1:45–2:00 am	Teens	7	49,637
Saturday (i.e., Sun. Morning)	Children	2	24,760
Des Moines/66 May 1989:			
Sign on-Sign off	Teens	12	9,024
Sun-Sat	Children	11	14,630
7:00–10:00 pm	Teens	30	22,560
M–F	Children	21	27,930
10:00–10:30 pm	Teens	18	13,536
M–F	Children	5	6,650
10:30–Midnight	Teens	7	5,264
M–F	Children	1	1,330
Midnight–12:15 am	Teens	2	1,504
M–F	Children	.....	.....
1:45–2:00 am	Teens	1	752
M–F	Children	.....	.....
6:00–7:00 am	Teens	2	1,504
M–F	Children	3	3,990
7:00–9:00 am	Teens	7	5,264
M–F	Children	23	30,590
Midnight–12:15 am	Teens	4	3,008
Friday (i.e., Sat. Morning)	Children	.....	.....
Midnight–12:15 am	Teens	2	1,504
Saturday (i.e., Sun. Morning)	Children	2	2,660
1:45–2:00 am	Teens	2	1,504
Saturday (i.e., Sun. Morning)	Children	1	1,330

[1] Demographic groups are defined according to the Arbitron "Demographic Characteristics" Table: i.e., "Children" are those ages 2 through 11, and "Teens" are ages 12 through 17. The respective populations within the five ADIs presented in this exhibit are as follows:

	Washington	Chicago	Los Angeles	New York	Des Moines
Children	599,200	1,238,000	1,944,100	2,380,600	133,000
Teens	372,100	709,100	1,039,500	1,601,500	76,200

[2] Average Quarter Hour Rating, persons (within the identified demographic group) viewing television.

[3] I.e., ADI Rating ADI Population .01

Source of all data in this exhibit: The Arbitron Company Television Market Reports: New York, July 1989; Chicago, July 1989; Washington, July 1989; Los Angeles, November 1989; Des Moines, May 1989.•

The PRESIDING OFFICER. The Senator from Hawaii.

Mr INOUYE. Mr. President, I am pleased to advise the Senator, I have studied this amendment, and I wish to be associated with it, and we support it.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I, too, join the Senator from West Virginia in support of this amendment and yield back the remainder of my time.

The PRESIDING OFFICER. Is there further discussion?

Mr. BYRD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that the vote on this amendment be held at 12 noon pursuant to the leader's advice.

The PRESIDING OFFICER. The Senator from Hawaii has requested this vote——

Mr. STEVENS. What was the time, Mr. President?

The PRESIDING OFFICER. To be held at 12 o'clock tomorrow.

Mr. INOUYE. Subject to the leaders' approval.

Mr. STEVENS. Subject to the joint leadership; that is fine with me.

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

Mr. BYRD. Mr. President, I wish to thank both managers of the bill for their courtesy in helping me to arrange offering this amendment under a time limitation.

Mr. INOUYE. Mr. President, I believe the Senator from Colorado wishes to speak on the bill. I yield him 7 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 7 minutes.

Mr. WIRTH. I thank the distinguished chairman for yielding to me and for his good work on this bill, and that of the distinguished Senator from Alaska.

Mr. President, I rise in support of S. 1504, legislation to reauthorize the Corporation for Public Broadcasting for fiscal years 1994–96.

Public broadcasting has been making significant contributions to our cultural life for decades. Public television is a national treasure, showcasing the best of American culture and history, providing a valuable source of entertainment and information, and filling a true need for educational programming on television.

Public broadcasting helps fill the gaps that exist in our commercial broadcasting system, targeting audiences whose needs are not met by commercial broadcasters.

Commercial television does not broadcast a wide variety of documentaries about our history and culture. Public television does give viewers access to that kind of programming.

One of the areas where Americans have made the greatest cultural contributions is in music. Our popular music has spread around the world. That music grew out of the many varieties of American music—jazz, blues, bluegrass, extra—that developed in different regions of our country. Those music forms remain vital today and the millions of Americans who enjoy them turn to our public radio stations for that type of programming.

In the early 1970's, public television grew significantly. Programs that began in those years are still with us today and have made significant contributions to our culture. I wonder how many of us have enjoyed "Masterpiece Theatre," "NOVA," "Frontline," "Wall Street Week," or "Washington Week in Review" over the years or encouraged our children to watch "Sesame Street."

Sesame Street has had perhaps the greatest impact of any public television program. It is as much a part of the collective memory of a generation as any program offered on commercial television. Big Bird, the Cookie Monster, and the other residents of "Sesame Street" continue to teach and entertain our children today.

That kind of educational programming is one of public broadcasting's greatest achievements and builds on the educational channels that our public television system grew out of years ago.

The near universal familiarity with Big Bird illustrates one of the most important reasons for a viable public broadcasting system. It can give us a common unifying experience.

This is particularly important today when we are seeing the development of a growing number of television channels that offer specific types of programming.

We are seeing a fragmentation of the television audience. The weakening dominance of the networks, the explosive growth of cable, and the increase in the number of television channels available to the average viewer have all helped divide the audience into a variety of market niches.

Some argue that this means we no longer need a public television system, that viewers who want a type of programming offered on public television can now find a cable channel that specializes in their area of interest.

We have to recognize that we are losing something in this process. Like it or not, television is our primary source of information about what is happening in our country. We do not communicate through other media or common gatherings as we did in the past. If we fragment the television audience into a collection of market niches, we will lose one of the remaining common cultural bonds that help unite us.

Public television helps us look at ourselves as one people, not a collection of groups with little in common but a shared geographic area. It does not exist to serve a market and does not face pressure to develop an niche to attract advertisers. Instead, it can focus on serving all of us.

It is also available to all of us. Public television reaches 96 percent of the population. Not all of those people have, or can afford, the option of subscribing to cable to obtain access to programming unavailable through commercial broadcasters.

Public television brings us programs like "The Civil War" or "Eyes on the Prize" that allow us to recall some of the events that have made us the country we are today. Programs like those simply would not have the same impact if they were only available on a history channel which only a handful of viewers ever turn to.

That is why it is important that we have a strong public television system even as alternative programming becomes available through niche channels. Public broadcasting stations will provide a greater variety of programming on one channel. Viewers who tune in for a historical documentary may be drawn to a cultural program that they would be unlikely to seek out on a separate channel.

It is important that we have channels that provide a wide variety of programming that appeals to Americans with very different tastes, backgrounds, and interests. Public television introduces viewers to elements of our culture and history that they might not otherwise be exposed to. It broadens our common understanding of our diverse country and culture in a way that a package of niche channels can never match.

Marshall Turner, the former Chairman of the Corporation for Public Broadcasting, has written an article on the national role of public television that appeared in the March issue of Current, public television's magazine. I think it is a thoughtful piece and encourage Senators to read it.

EDUCATION

I would like to turn to an area of long-standing interest to me: children's television and the important role television can play in education.

We all know that the media is a powerful influence in our society. Parents, commentators, educators, psychologists, law enforcement professionals, child care specialists, clergymen, and many others constantly decry the negative influence of the commercial media, especially television, on our youth and our culture in general.

A recent report by the Carnegie Foundation for the Advancement of Teaching cited the corrosive effects of commercial television on very young children.

Recently, the American Psychological Association released a report on the subject. The report argued poor viewing habits can lead to antisocial behavior, gender and racial stereotyping, and diminished academic performance.

While both of these organizations lament the influence of television in general, they hold out public television as an oasis of excellence in the vast wasteland. In fact, both organizations call for increased funding of public television.

Television is a unique medium that offers incredible opportunities to enrich the lives of America's children. Virtually every developed country in the world devotes more resources than we do on educational television for children.

Unfortunately, we do not make very good use of television's educational potential. If anything, we may have gone backwards. It's ironic that, in a very real sense, the more we know about the educational potential of television, the less we do to use it.

Our commercial broadcasters often ignore the child audience or offer cartoon programs that are principally designed to promote toys to children. We can do better that this. Indeed, we must do better if we expect America's youth to enjoy the same opportunities to learn from television as children from countries where television is used more wisely as an educational resource.

I hope that the situation will soon improve. Last Congress, I worked closely with Senator INOUYE and others to enact the Children's Television Act of 1990. This legislation should help bring more educational programming to commercial television in the future.

But public broadcasting already does do better. Indeed, it is likely that more people know public broadcasting through children's shows such as "Sesame Street," "Wonder Works," "Newton's Apple," and "Degrassi Junior High" than through any other programs.

Public broadcasting's educational role, moreover, goes far beyond what most of us see on television or hear on the radio.

Every school day, public television reaches 27 million students; hundreds of thousands of working adults receive higher education through college courses distributed by public television; public television brings courses in Japanese and Russian, advanced placement math and science to rural and other underserved students across the country; public television will soon be training Head Start teachers in remote Alaskan villages, Indian reservations, and migrant labor populations via satellite.

We can use the power of television to expand preschool and K-12 education, improve teacher training, advance adult literacy, and build community partnerships to solve problems.

We have built the public telecommunications infrastructure to serve our country. We are just beginning to realize our potential to harness that infrastructure for education.

We should be finding ways to develop that potential rather than tearing the system down because you do not like a few hours of programming.

It is true that cable television offers many valuable educational programs as well. But good programming is useless if viewers do not have access to it. And many more people have access to public television than to cable.

In addition, cable viewers have to pay for programming. The families that are least able to afford educational material and entertainment alternatives are the most likely to have children who spend money hours of their free time watching television. They are also the least able to afford cable and the educational programs offered by cable systems.

These families and their children will only be able to benefit from television's educational potential through broadcast television. Commercial broadcasters simply have not done as good a job of providing educational and children's programming as public broadcasters have done. It is important we keep a viable public television system in order to meet those needs.

INDEPENDENCE

The final theme I want to touch on is independence. Public television is independent—independent of government guidance and independent of advertiser guidance.

That independence was very carefully provided when the Corporation was established. The Corporation receives some Federal funds but it is required to obtain other funds in order to support programming. CPB is not a part of the Government and the vast majority of its funds—more than 80 percent—come from non-Government sources.

Public broadcast stations are themselves independent. The Public Broadcasting System and National Public Radio are not umbrella organizations that control member stations. Rather they are owned by the stations.

The result is a system that is not dependent on any one funding source. Nobody's agenda drives programming.

Public television is public television; the system is rooted in the fertile ground of its individual stations and the public that watches and support them, not in an overarching bureaucracy that develops programming from the top down.

That is the way it should be. Television is a very powerful medium. We should not allow the Government to dictate the content of broadcasts, to determine what should be our official culture.

Today, Mr. President, we find public broadcasting under attack from some quarters. Yet, tearing down public broadcasting would be a tragic mistake. We have public broadcasting because the American people want public broadcasting. They know that public television and radio are positive influences on the quality of life in their communities.

It is true that the current system may produce programming that some individuals will dislike; after all, you can't please everyone and if you try, you're likely to come up with something that pleases no one.

Diversity is an important goal. And diversity means that we should expect to be able to find programs we like and programs we don't like when we turn on our TV or radio.

It's legitimate to criticize such programs and to look at the quality and direction of public broadcasting as a whole. That kind of feedback can only help public broadcasters better serve the public. But I hardly think that we should move onto the slippery slope of Government restriction of programming.

The independence of CPB and its public/private nature exists for a reason. Public broadcasting would not exist on the scale it does today without Government support; but it would not serve the public nearly as well as it does today if we begin to subject it to government control.

With the relatively small amount of funding received each year, the public broadcasting community has done an excellent job of serving the American people.

Despite this record, the Reagan administration repeatedly sought to eliminate the Corporation for Public Broadcasting.

I stood guard for 6 years as chairman of the House Telecommunications Subcommittee against this effort. Many of those supporting the legislation today led the same fight on this side of the Capitol.

I would hope we do not need to do so again.

We have delayed action on this matter because of issues unrelated to the substance of the legislation. I am pleased we have resolved the delay and can once again return our attention to this important matter.

We will apparently have three or four controversial amendments related to the legislation. We should debate them. But in the end, we should pass legislation that ensures we will continue to have viable and vibrant public television and radio.

So, Mr. President, I need not remind all of my colleagues and those who are watching of the remarkable diversity that comes from public broadcasting. The fact is this Nation's cultural heritage is played out in so many ways with narrow audiences and broad audiences that are not necessarily those that would be reached by commercial television and for the most part are not reached by commercial television, both because commercial television has a different mission—it is a mission of bringing an audience and a market together. It is market-driven. That is not something that dominates public broadcasting, nor should I suggest that this is something that necessarily can be borne out by cable television. Much as cable television has brought also great diversity, cable television also has a commercial base and very significant parts of the public broadcasting that bring a unique and valuable message to the American public.

Leaving aside that diversity of programming, which I think we should all rejoice in, and leaving aside the very unhappy, I thought, allegations made in the Washington Post by George Will—and I would like to include his remarks and those of Sharon Rockefeller at the end of my comments—I want to target particularly the issue of children.

The distinguished President pro tempore, the distinguished senior Senator from West Virginia, made some comments related to the impact of television on children, pointing out the number of hours that children spend watching television, the overall impact that television has on children.

It used to be, Mr. President, that the three institutions in our society that socialized the young were family, church, and school. To that has been added a fourth, television. Children spend more time in front of the television set than they do in the classrooms. The impact of television on kids is enormous, and yet, for the most part, we as a society have totally neglected the important influence that television can have on children. And yet as we neglect this enormous instrument, this very powerful instrument, on the other hand we lament the decline in the educational capabilities of our children. Well, right in front of us is a perfect example.

Neglect begets, unfortunately, a drop in performance. The amount of attention that we spend on and the amount of funds that we invest in television and the relationship of television and children is appallingly small compared to what our competitors around the world will do, what the Japanese are doing, what the British are doing, what the Germans are doing, what the French are doing. We invest almost nothing in this enormously powerful medium and we leave it to those very commercial instruments that were reflected in the comments of the Senator from West Virginia.

In fact, it is only public television that almost alone uses the magic of television and the power of television through such programs as Sesame Street, Wonder Works, Newton's Apple, Degrassi Junior High, and so many other programs. It is to public television that we owe an extraordinary debt. Every school day public television reaches some 27 million students and hundreds of thousands of people are receiving higher education, various specialized courses, through public television. It is this remarkable achievement and remarkable capacity of public television that I think we should rejoice in and support in passing this legislation today.

Last year the distinguished Senator from Hawaii and I were working on the Children's Television Act of 1991, a very important piece of legislation, to try to bring back to commercial television some modicum of accountability and some modicum of sense of the public interest. There is built into the Communications Act of 1934 the idea that broadcasters should broadcast "in the public interest, convenience, and necessity." The public interest standard.

Maybe we can have public broadcasting provide an even better example to commercial broadcasting. The distinguished Senator from Hawaii and I tried to move the debate a little more in that direction. I hope that with the amendment of the Senator from West Virginia and other efforts we will able to now do much more for children in our society.

A final comment, Mr. President, on public broadcasting. I am very pleased that we avoided all of the censorship amendments that were going to be offered. It is enormously important that we allow public broadcasting to be free, public broadcasting to breathe the kind of free expression, noncensored public media that we should have. We should no more censor public broadcasting than we should attempt to censor paperback books or attempt to censor what is taught in schools of art.

Mr. President, I ask unanimous consent that there be printed in the RECORD the exchange of views between George Will and Sharon Rockefeller, each of them in two columns, and finally what I thought was a very fine column written by Marshall Turner, the former Chairman of the Corporation for Public Broadcasting, entitled "The difference is that public TV serves a country, not a market."

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

[From the Washington Post, May 12, 1992]

$1.1 BILLION FOR PUBLIC TV?

(By George F. Will)

With a spirit stronger than the reasoning behind it, Sharon Percy Rockefeller, president of WETA, Public Broadcasting in Washington, reprimands me for advocating an end to federal subsidies for public television [op-ed, April 28]. My offense, which her riposte moves me to re-commit, is this argument: Whatever one thinks of the case made a generation ago for public funding, the case collapses in today's utterly transformed technological and fiscal contexts.

To advance the argument, I will stipulate that public television is a net enhancement of American life. If the waving of a magic wand could sustain it, the wand should be waved. But what public television wants is another $1.1 billion for three years. So the pertinent question is not whether, as Rockefeller says, public television "improves" us. Rather, the question is whether public television—a paradigm of government's ornamental activities, pleasant but inessential—has a strong claim on some of government's scarce resources. Are its claims stronger than those of child immunization, the National Institutes of Health and a thousand competing causes?

Rockefeller says public television is part of government's promotion of "the pursuit of happiness." Actually, it exemplifies government in the distorted role of deliverer of happiness. And to whom? To an economically and intellectually advantaged constituency that could and should fend for itself to satisfy its appetite for cultural services.

When public television began, before the advent of cable and the VCR, it increased from three to four the choices available to most viewers. Today most households have scores of channels to choose from, including some (e.g., Discovery and Arts & Entertainment) that offer programming comparable to much of public television's programming.

Rockefeller responds, "More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality." Surely Rockefeller is not denying the explosion of televised diversity. Instead, her argument suggests that any demand the market satisfies must be of dubious quality. The implication is that no matter how many choices the

market offers, government has a duty to add others by offering programs for which the market registers no demand. The argument guarantees that government television can forever, no matter what, be called "necessary." But it achieves this guarantee at a cost: It underscores the perverse rationale for federal subsidies.

The rationale is that no matter how much programming the market provides, government is supposed to provide more. Why? Because its programming is supposed to serve an audience so small or idiosyncratic or devoted to "quality" that market forces, even those now offering a proliferation of programming to a much-segmented market, will not satisfy it.

Rockefeller says of me, "He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace." And she likens public television to "public schools, universities, libraries, hospitals, museums, symphonies and national parks." But it is Rockefeller who makes an unreasonable extension. Reasonable distinctions are necessary; let's make some.

Many cultural institutions serving small and primarily affluent audiences should indeed be warned from dependence on tax dollars, especially federal dollars. And it is not in Rockefeller's interest to put public television on any list with hospitals, which are institutions of life and death, and schools and universities, which are essential for preparing the population for freedom and social competence. Such lists underscore the fact that public television is a social adornment, not an essential.

Which brings us to today's fiscal facts as public television seeks a 50 percent increase in its subsidy.

Beginning in 1969 (two years after creation of the Corporation for Public Broadcasting), the Nixon administration debated establishing a guaranteed annual income. Debate raged concerning practicalities and ethics—but not costs. Sen. Daniel Patrick Moynihan (D-N.Y.) later published a 559-page book on the controversy, devoting just 34 lines—lines—to costs. Back then, he says, "it was simply a given" that money would be found" for any nice idea.

Today, although the defense budget has declined in real terms for eight years, every defender of a domestic spending program still says, "The military wastes money!" Thus Bill Moyers says the military spends $200 million on marching bands, therefore Congress can vote more than six times that sum for public television.

Such crashing non sequiturs acquire a kind of crazy plausibility after a decade of fiscal vandalism. Given the $400 billion deficit, what difference does another $1 billion make? That is, no choices are necessary as long as government borrowing can push costs into the future. But the need for spending cuts is indisputable. So as it contemplates public television's subsidy, Congress should ask two simple questions: If not here, where? If not now, when?

If something as marginal as public television successfully defends its subsidy, cuts can come only at the expense of Americans less affluent, educated, articulate and skillful at lobbying than public television's aggressively moralistic constituency. And public television will be a paradigm of government's role as servant of the comfortable and defender of the strong at the expense of the future.

[From the Washington Post, Apr. 23, 1992]

WHO WOULD KILL BIG BIRD?

(By George F. Will)

Is nothing sacred? Evidently not. Even public television is being questioned by some conservatives who evidently do not understand the importance of being earnest.

Some troglodyte Neanderthal Puritan Yahoo philistine reactionary inquisitorial Victorian barbarian blue-nosed Cromwellian know-nothing Savonarolas—that is, conservatives, as the public television lobby sees them—are wondering why taxpayers should give another $1.1 billion to public television.

A good question.

The Corporation for Public Broadcasting was born 25 years ago as a final filigree on the Great Society. It already has a quarter of a billion of federal funds for 1992 and another quarter of a billion in 1993. At issue today is a 50 percent increase to $1.1 billion for 1994-96. The caliber of the defense of the CPB can be seen in Sen. Gore's cri de coeur: "How many senators here have children who have watched 'Sesame Street' and 'Mister Rogers' Neighborhood'? * * * This is one thing that works in this country."

How apt: A wealthy legislator in a chamber well-stocked with people like him, calling for subsidies for his children programming because it "works," whatever that means.

Does Big Bird need a subsidy? He is a product of Children's Television Workshop, a multi-media giant grossing more than $100 million from programming, publications and licensing fees.

The original argument for public television was that over-the-air broadcasting allows only a few competitors who are driven to seek a broad—and low—common denominator. That argument has been obviated by technology—by cable and the onset of "narrowcasting" to many small segments of the American audience.

Public television's advocates argue that almost all households can receive it, whereas only 60 percent of households are wired for cable. But leaving aside the continuing spread of cable, a crucial question is: How many people who do not have cable because they cannot afford it are watching public television? Not many. Public television's audience always has been economically and intellectually up-scale.

The original rationale for public television was wonderfully sealed against questioning. It was that government had to subsidize such programming precisely because so few people wanted it. The argument goes like this: If the public were more discerning, there would be no need for government subsidies—but, then, a discerning public would not object to government subsidies. After all, by definition, a discerning public discerns the merits of government as a provider of services.

The CPB provides 16 percent of the funding for public television stations. But those stations claim 5.2 million voluntary donors. If each would give another $70 a year (less than the average cable subscriber pays for three months of service), they would raise the $1.1 billion without requiring taxpayers to subsidize their entertainment.

Dr. Laurence Jarvik of the Heritage Foundation has another idea about what to do with the CPB: Sell it. Jarvik believes, reasonably, that there are ample cable, broadcast and home video markets for magnificent work like Ken Burns's "Civil War" series. Therefore private investors could make and syndicate such quality programming. Today, Jarvik says, public television is "a solution in search of a problem."

Walter Goodman of The New York Times asks: "Is Dr. Jarvik so satisfied with commercial TV that he can see no room for further innovation?" The answer is: No, but does Goodman believe that any possibility of "innovation" in any sector of society justifies a federal subsidy? If not, what makes television special?

Politically, what is special is public television's audience. For example, WETA, Washington's public station, says its contributors have an average household income of $94,583. They would have $94,513 after sending WETA an extra $70 to keep the senators' children wholesomely entertained.

WETA's audience would be an advertiser's dream. Indeed it is a dream for those who advertise in WETA's magazine. Thus government is entangled in subsidizing competition against private print as well as broadcasting enterprises.

The public television lobby is, in part, another example of government-as-an-interest group. It is government lobbying itself. It is an effective lobby because it is in most congressional districts—wherever there are public stations and audiences. Public television audiences are, like the members of the American Medical Association, the National Association of Manufacturers and many other muscular lobbies, largely affluent, educated and articulate.

Public television is a paradigm of America's welfare state gone awry. It is another middle-class actually, upper-middle-class—entitlement. If you doubt the entitlement mentality of the public television lobby, hear its indignant rhetoric equating any questioning of their subsidy with censorship. The public television lobby consists disproportionately of people with the financial and educational means to provide their own entertainment, but who have the political competence to bend public power to their private advantage.

Think of it this way: The relationship of CPB spending to affluent America is approximately that of agriculture subsidies to agribusiness.

[From the Washington Post, Apr. 28, 1992]

BIG BIRD: SOMEONE DIDN'T DO HIS HOMEWORK

(By Sharon Percy Rockefeller)

George Will's column "Who Would Kill Big Bird?" [op-ed, April 19] portrays public television as an example of the "welfare state gone awry"—a vehicle for entertaining the rich and powerful at the expense of the ordinary taxpayer. While it is refreshing to see Mr. Will in his guise of a populist, he has neglected to do his homework. His statements about public television are often distorted, often just plain wrong. Some examples:

Citing "The Civil War" to point out the "ample cable, broadcast and home video markets . . ." available to public television is like using Thomas Alva Edison as an example of why all inventors should make money. It is also 20/20 hindsight. Where were all those potential investors when a young, unknown filmmaker came to public television and proposed 11 hours of photographs buttressed by music and voice? They were salivating over "Roseanne." WETA—and public television—believed in "The Civil War" and Ken Burns, and supported him from the moment he began his research. Furthermore, we supported him not because his program looked good on a financial forecast but because we felt that what he had to say was important. Our yardstick was good programming, not profit.

A more apt question for Mr. Will to consider: Would private investors fund the hun-

dreds of hours of extraordinary television on PBS that are not potential blockbusters but nonetheless inform, enrich, educate and delight viewers? Of course not.

Is WETA's audience "an advertiser's dream"? Perhaps, if we sold advertising; but we don't. We tried once: In the early 1980s, public television conducted an FCC and congressionally authorized 10-market advertising experiment. It confirmed that our programming could not generate enough advertising revenue to support the system, and concluded that continued government funding was essential.

The fact is that public television remains the only place a viewer can watch operas, ballets, symphonies or public affairs documentaries the way they were designed to be watched—without commercial interruption. Public television stations need public support precisely because their value lies in producing and broadcasting high-risk programs of quality that do not necessarily make money. Just ask the networks.

Mr. Will believes that because of cable television, the audiences once served by public television will be served by the expanding marketplace. He is wrong. More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality.

Radio offers an example. Dozens of stations dot the dial; yet they compete for audiences within a few formats: talk, news, rock and roll, country, some classical. There is nothing like National Public Radio's "All Things Considered" or "Morning Edition" anywhere in commercial radio. Why does Mr. Will assume that the television environment without PBS would be any different? Perhaps he should examine the British system, where recent efforts to force broadcasters to rely on advertising for funding threaten to push documentaries and cultural programming right off the air.

Mr. Will selectively quotes statistics to imply that public television is an elitist activity. In fact, the demographics of public television closely mirror the demographics of the American population. A third of public television households have annual incomes of less than $20,000, and 60 percent earn less than $40,000. Recent surveys of the "Sesame Street" audience show that the program reaches nearly a quarter of all U.S. households with incomes under $10,000, over half of the Hispanic households that have children, and over 40 percent of African-American households with children. "Sesame Street" is also shown in thousands of day care centers. This is elitist?

Mr. Will's statistics are distorted partly because he fails to distinguish between viewers and members—between those who watch and those who contribute to public television. His failure is disingenuous: It stands to reason that members are most likely to be drawn from the more affluent viewers. Like all other institutions that rely on contributions, public television has a membership that is more skewed to the higher income groups than its viewership.

But the most troubling part of Mr. Will's column is his extraordinarily crabbed view of the role of our government. He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace.

Yet, as he has often reminded us, our government was formed to promote not just life and liberty but also "the pursuit of happiness." In this effort it assists all sorts of institutions: public schools, universities, libraries, hospitals, museums, symphonies and national parks. Historically the province of the elite, these institutions have now become available to everyone. We spend a tiny portion of the federal budget on them; in fact, only 6.2 percent of WETA's $43 million budget comes directly from the federal government via the Corporation for Public Broadcasting.

The idea behind this support is always the same—that promoting access to education, the arts and the outdoors enriches the whole society. Far from being elitist, it is one of the great unifying themes of our country. By giving everyone access to Beethoven and Dickens, Alvin Ailey and Leonard Bernstein—and, yes, to Ken Burns and Big Bird too—we improve ourselves.

Is Mr. Will against all such support—or just that for public television? Does he deny that government has a role in perpetuating the cultural vitality of society? If so, he should come out and say it. If so, we differ.

(The writer is president of WETA radio and television.)

[From the Washington Post, May 25, 1992]

AN ANSWER TO GEORGE WILL'S ANSWER

(By Sharon Percy Rockefeller)

George Will's second attack on public television in three weeks [op-ed, May 12] offers the extraordinary spectacle of a columnist in retreat. In response to my arguments, he has dropped his reflections on the wealth of public television's members and discarded his contention that public television could survive on advertising. He now stipulates that public television is "a net enhancement of American life." Just months ago, he applauded WETA and Ken Burns's "Civil War" series by saying, "If better use has ever been made of television, I have not seen it."

He has now focused on a single central issue: Is public television an essential service, deserving of federal support?

Will's reasoning is based on an analysis of our audience and today's "utterly transformed technology." Sadly, it remains flawed and ignorant of the facts.

Will calls public television's audience "an economically and intellectually advantaged constituency that could and should fend for itself." The truth is that almost 80 percent of all American families watch public television each month—well over 100 million people. Furthermore, our audience mirrors the demographics of the United States as a whole: Thirty-three percent of public television viewers live in households with less than $20,000 in annual income. Sixty percent live in homes with less than $40,000.

Perhaps more important, many of them are children—hardly people who "could and should fend for themselves." For them, programs like "Sesame Street," "Mister Rogers' Neighborhood," "Shining Times Station" and "Where in the World Is Carmen Sandiego?" offer alternatives to the violence of commercial cartoons and a window on the excitement of learning. Laurance Jarvik of the Heritage Foundation, whom Will quotes approvingly, says, "'Sesame Street' is just another kids' program—no better than 'Underdog' or 'The Flintstones.'" Tell that to parents worried about the role models their children see on commercial television.

Public television is the largest classroom in the world. Some 75 percent of all schools, representing 30 million students, can use public television, and most do. Thousands of viewers have secured high school equivalency degrees by watching. Nearly 2 million have taken college courses for credit with the help of public television.

Will counts on "the explosion of televised diversity" to satisfy our hunger for programming of quality. He feels that the advent of cable provides an opportunity for programming now on public television to find its niche in the commercial world. But what about the 40 percent of Americans who cannot afford or choose not to purchase cable? He also implies that programs that could not find a niche are programs "for which the market registers no demand." He is wrong, on two counts:

If public television has accomplished anything, it has been to make the best of our cultural heritage available and affordable to more people than at any other time in human history. When we broadcast Wagner's "Ring Cycle" in 1990, more people saw it in one week on American public television than had ever seen it live in all the "Ring" productions since 1876. Far from serving "small or idiosyncratic" audiences, public television is replete with programs that register significant demand—but not enough to be commercially viable. It is also, at least in part, responsible for the remarkable growth of the performing arts in the United States. I don't know how to put a dollar value on inspiring a child in Wyoming or Watts to become a teacher, scientist or artist; I do know that it is worth the public's support.

The for-profit motive of commercial television is different from the motives that drive public television. Commercial television's primary goal is to deliver viewers to advertisers. Public television's standard is programming that stimulates and informs. By its very nature, this essential difference in programming philosophy makes public television's programs unique, distinctive—and essential.

While federal funding is only 17 percent of all of public television's revenues, it provides critical leverage, making possible a partnership of government, corporate, foundation and individual support. About 5.2 million families contribute to their local stations. Public broadcasting in America receives roughly $1 per person from the federal government, compared with $40 in the United Kingdom, $32 in Canada and $18 in Japan.

Public television is not a marginal endeavor, an "ornamental activity." As television has evolved to become the central medium of communication and information in our society, public television has grown in importance as a source of alternative expression, a provider of cultural diversity. Would its programs survive in the commercial marketplace? Speaking to Ted Koppel on "Nightline," Will confessed that he had no idea, but that's a chance he's willing to take. I'm not. And I don't believe that most Americans are either.

[From Current Magazine, Mar. 2, 1992]

THE DIFFERENCE IS THAT PUBLIC TV SERVES A COUNTRY, NOT A MARKET

(By Marshall Turner)

Some say that the advent of new media—in particular, the challenge of cable television—has decreased the need for public broadcasting and its partial support. The opposite is true. Such suggestions miss the point of public television's enduring potential. Our opportunities to serve the American public are growing as a result of changes in the broadcasting environment. We should welcome discussions of public broadcasting, with the confidence that a clearer understanding of our purpose, and perhaps some adjustments of our structure or tasks, will strengthen our service. If anything, the need for public television and fed-

eral support of it is stronger now than in 1967, when the Public Broadcasting Act was passed.

It should be noted that federal support is not the heart of public television: member support is. Federal money makes up about 17 percent of total public TV revenues. In 1990, individuals contributed to public TV stations a larger percentage of revenues—22 percent—than any other category of supporter.

Public television originally was conceived as a voice of quality in what former FCC Chairman Newton Minow called "a vast wasteland." For the third of us who do not have or cannot afford cable, including many with the greatest need for educational programs, broadcast television is even less distinguished than it was then.

For viewers with access to many channels, television may not be a wasteland, but it is a thick jungle of largely undistinguished programs. To be heard in a noisy jungle, one needs to have a distinctive voice. Public television has that voice.

Personally, I have never felt that "noncommercial" is a good adjective to apply to public broadcasting. We raise most of our money from noncommercial sources, but an important part of our financing comes from corporate underwriting. And at least some of a corporation's desire to identify itself on public television comes from what anyone would consider a commercial motivation.

So what makes public broadcasting "public"? Is it just a matter of degree? Is it just "less commercial" than other television? Is commercial television just "less public" because it airs high-quality programs less often and interrupts them with commercials instead of running underwriter credits at beginning and end?

I think the answer to this question, and the key to the purpose of public broadcasting, relates to the difference between a country and a market.

The geographic United States and its population are a market. So is every other place and people. But we are also—very importantly for those of us who live here—a country. I think we all understand the difference.

A country is a body politic and a culture that, if successful, enables a people to make good collective decisions, express their purposes, share some common values, protect themselves, develop to their full potential, and enhance their lives.

"Markets" are vigorous, challenging, flexible and ultimately truthful. Their ability to learn, react and satisfy inspires admiration. But markets have no thoughts, values or higher purposes beyond their reflective response to needs. Few people have knowingly fought or died for a market.

A people needs to nurture those things that help it be a country. Common experiences, such as wars, elections, art, music, drama and sports events are examples of things that help us to be country-like. A common language and a common analogy base, rooted in knowledge of the shared history and literature that define us, are critical to our ability to discuss issues and make decisions as a body politic.

We are not thrown into as much oral communication as we once were. Newspapers, town meetings, neighborhood bars and even schools have faded in quality or importance for this purpose. For good or ill, most Americans today rely on television as their principal source of information about their country, other Americans and subcultures with which they have little contact. They also rely on television for knowledge of their leaders and potential leaders, for most of the theater and opera they will see, for too much of the American history and literature they will learn and for much of the information, education and individual expectations that help us work as a country.

Only public television—non-market-driven television, excellence-diven television—has as its sole purpose the education and development of the American community. Public television's best programs such as The Civil War, MacNeil/Lehrer News Hour, Sesame Street and Eyes on the Prize, exemplify its service commitment and raise the hurdle for our performance in the future.

These lofty ambitions, and public TV's acceptance of federal funds, are great responsibilities, with great obligations. public television must never be "government" television. It must never sacrifice its quality or educational goals to build audience numbers. It must never become a service available only to those who can afford cable or direct satellite services. It must not narrow the breadth of opinion it expresses or of financial support it receives. It must not advocate, even by implication, positions on partisan political issues, and must be equally accessible to the broad spectrum of mainstream political views. It must always work hard to preserve the characteristics that made it "public."

(This article is based on remarks by Marshall Turner, chairman of the CPB Board, at the board's Jan. 27 meeting in Columbia, S.C. Turner is an engineer and partner in the San Francisco venture capital firm of Taylor and Turner Associates and a 10-year member of the KOED-TV/FM Board.)

Mr. WIRTH. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time? The Senator from Hawaii.

Mr. INOUYE. I believe the Senator from Nevada wishes to be recognized.

Mr. REID. The Senator from Hawaii is correct.

Mr. INOUYE. Ten minutes.

Mr. REID. I ask of the floor leader that I have 10 minutes on this matter.

The PRESIDING OFFICER. The Senator from Hawaii has yielded 10 minutes to the Senator from Nevada.

Mr. REID. I extend my thanks to the manager of this bill, the Senator from Hawaii, for his cordiality on this and all matters on which I deal with him.

Mr. President, we in Congress spend a great deal of time on matters relating to very specific issues, not to the public in general. On this issue, this matter now before this body, we are going to talk about something that means a lot to the average American. One of the reasons we have come under so much criticism lately in Congress is that we do not spend enough time on matters that relate to more of the American people.

This bill is important, I repeat, to the average American. I know it is important to the people of Nevada for a lot of reasons. KLVX, the public television station in Las Vegas, which is known as channel 10 to those of us who spend a lot of time in southern Nevada, and KNPB, channel 5 in Reno—we refer to channel 10 in the south, channel 5 in the north—if this legislation passes, would receive $1.3 million in the form of community service grants. These grants which support many of these stations' operations and services are leveraged into many State, local, corporate, and individual contributions.

Public television and public radio in Nevada, as elsewhere, cultivate literacy, freedom from drugs and alcohol, voluntarism, public-private partnerships, education reform, and much more.

We hear so much in modern-day America about voluntarism. There is nothing that is more exemplary of voluntarism than public television and public radio. These two stations that I have talked about are valuable community partners, promoting effective local involvement and helping people determine their own future.

In 1992, KNPB is undertaking a community outreach project called Election '92. The objectives of this project are ambitious. Their objectives are to achieve by the November general election the highest turnout of voters in the viewing area and to have the most informed electorate in any election ever before. I think they can do it. The station will work with local officials to assist in registering voters, especially those groups of citizens who traditionally have not participated in the process.

And KNPB will produce a series of programs that will question the candidates running for office, specifically on issues of local interest.

In other outreach programs, KLVX produced "Income Tax Open Line," a live, phone-in program featuring local accountants and IRS representatives answering questions concerning income tax and filing procedures.

KLVX also produces the weekly series "Law for the Layman," which consists of roundtable discussions with local attorneys who give viewers answers to legal questions, in language that can be easily understood, on such topics as driving under the influence; child support and custody; estates, trusts, and wills; and many workers' rights, workers always having problems with what their respective rights and obligations are in the workplace.

For Black History Month, KLVX produced "The Road to Las Vegas: A Black Perspective," documenting the migration of black families from Louisiana and Arkansas to Las Vegas and exploring special features of the African-American cultural heritage.

Public broadcasting is also an essential educational resource that makes a difference. Nevada public television stations provide instructional programming to more than 160,000 elementary and secondary school students in more than 225 schools. Both stations also provide teacher guides to the programming and utilization workshops for educators.

We have some teachers that specialize, Mr. President, in using public television to teach students.

We all know that Nevada, by area, is mostly a rural State. Las Vegas takes up a very small percentage of the State, as does the Greater Reno area. The little town of Lund, NV, for example, has a high school with only 20 students. They cannot afford a foreign language teacher. But thanks to KLVX, two of these students are able to take a French class. This is a language and a culture the students of Lund would never have the opportunity to know about if it were not for public broadcasting. Three other small towns—Panaca, Laughlin, and Mesquite—these are spread out over a large area of the State of Nevada—also participate in this French program, bringing the total number of students to 22. Twenty-two students in the State of Nevada are able to take a French class, for example, they would not ordinarily be able to take.

John Hill, director of KLVX, told me about a time he visited the little town of Mesquite, approximately 90 miles from Las Vegas. He walked into a classroom unannounced to find students with headphones on watching intently the French lesson being given on his station. A student afterward told him he had always had trouble learning languages until he was able to take this televised class.

In cooperative arrangement with Reno's Access Cable 30, KNPB's instructional programs are rebroadcast several times a week to ensure greater access to this programming. Through Truckee Meadows Community College, KNPB also provides broadcast courses for college credit, and the station works with professional organizations in the community to offer continuing education opportunities.

Both the Reno and Las Vegas stations also produce quality local programming. KNPB produces "Silver State," now in its sixth season of weekly indepth discussions about issues facing Nevada and Nevadans; the weekly "Journalists' Notebook: Nevada News in Review," a series with the area's top journalists discussing the week's major news stories from northern Nevada "Open Line," occasional live, call-in programs bringing experts from a variety of disciplines and allowing viewers to offer their questions and comments; and "The Nevada experience," a monthly series examining the people, places, history, and culture of Nevada. KLVX produces a similar variety of quality local programming in the southern part of the State.

"The Nevada Experience" is a fascinating show. The Nielsen rating analysis of a November 1991 broadcast showed that one out of every five people watching television were tuned to this show. There are a number of these shows that come to mind. For example, there was one of the itinerant Basque sheepherders who roamed the mountains and valleys of Nevada and left behind thousands of carvings on the trunks of aspen trees.

I had the opportunity, Mr. President, to take a pack trip into a new wilderness area, the Table Mountain Wilderness Area. And one of the highlights of that trip was that we went to an area where a sheepherder many, many years ago had carved on these trees various pictures, some of which I guess, if you stretch your imagination a little, can be slightly pornographic. This lonely sheepherder out in the middle of nowhere in Nevada was carving little pictures on the tree, but as the trees grew, they are now big pictures on the tree. This was one part of the television programming.

There was another segment that presented the 80-year history of "The Virginia and Truckee Railroad," perhaps the most famous of all short-line railroads ever in the history of this country. I watched it. It was a great program. They went around and found where the locomotives are now located, and have pictures of the trains and histories of those trains. It was fascinating.

Yet other segments tell the story of the prehistoric Indians who inhabited the shores of Lake Lahontan, the history of the Pony Express in Nevada, and many other vital historical perspectives of our State that simply never, never would have been shown but for public television.

I would also like to say a few words about Nevada Public Radio. Federal funding through the CPB has helped Nevada Public Radio expand its service area immensely. Almost all of southern Nevada is now served by KNPR, Las Vegas; KTPH, in Tonapah, and KLNR, in Panaca. These stations have increased their audience in the last 2 years from 30,000 to almost 60,000. This is in 2 years.

KNPR has grants in preparation that will establish Nevada's first Radio Reading Service for the blind and visually handicapped. This essential service will not be possible without Federal support. This bill that Senator INOUYE and Senator STEVENS are talking about is legislation that affects people at home in our States, like the small State of Nevada.

Last year, KNPR produced two half-hour documentaries about the history of race relations in Las Vegas that were broadcast locally and then picked up by NPR nationwide.

In addition, their station KNPR produces "Jazz Night from Las Vegas" which is heard on over 130 stations nationwide. This jazz performance program is now entering its 10th year.

On March 24, KNPR won the 1991 Jack R. Howard Award for Journalistic Excellence. The award was for a two-part documentary broadcast last summer entitled, "Las Vegas: Mississippi of the West or Promised Land?" The documentary, written and narrated by William Drummond and Faith Fancher and produced by John Stark, explored the little-known segregationist system that developed early in Las Vegas resorts as well as race relations in the gaming industry today. That exciting program was done on the radio.

In northern Nevada, KUNR-FM serves one of the largest land areas in the public radio system. The station has translators in Yerington/Smith Valley, Hawthorne, Lovelock, Winnemucca, Incline Village, Verdi, Alturas, and Bishop.

Mr. President, this station even goes into California. It covers hundreds and hundreds of square miles.

Next month, a translator will be operating in the town of Elko, NV, another 400 miles away. This translator will allow listeners to pick up KUNR all the way across the State on Route 80.

Despite this large area, KUNR does not have a news department due to lack of funds. In fact, this is part of the voluntarism I spoke about when I announced earlier that there was a great example of voluntarism. In fact, 76 percent of the air time on KUNR is engineered or hosted by volunteers.

Remember, this is a program that is broadcast even into California; the station even goes into California. It goes to faraway Elko, 400 miles away.

Public broadcasting provides a strong return on Federal Government investment. In fiscal year 1990, over 14,000 subscribers contributed more than $866,000 to support the services of KLVX and KNPB, and nearly 2,000 people volunteered their time.

This is extraordinary. If this is not evidence of public broadcasting supported by the public, then we cannot give evidence because you cannot give more. For two radio stations, the listening audience contributed almost $1 million and donated time of 2,000 people amounting to tens of thousands of hours.

The Corporation for Public Broadcasting is a valuable national asset, and it is essential to the education of the cultural life of America, especially States like Nevada which have large rural areas.

I urge my colleagues to pass this bill without weakening amendments, so that the work of this worthwhile public service may continue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. The Public Telecommunications Facilities Program [PTFP] was established to extend the delivery of public broadcast services, increase the number of facilities serving and operated by women and minorities, and assist stations in improving

their facilities. In addition, the PTFP now funds nonbroadcast telecommunications projects designed to expand the use of telecommunications for educational purposes.

Section 393(b)(4) of the Public Telecommunications Facilities Act of 1978 limits PTFP facilities improvement grants to existing public broadcasting stations. I understand that the National Telecommunications and Information Administration [NTIA] has interpreted this provision to mean that existing nonbroadcast educational entities are eligible for improvement grants only if their projects will extend their service to a new geographical area. As a result, the National Technological University [NTU] is not eligible for grants unless it will use the grant to expand service to new areas.

NTU is a 43-member consortium of the leading U.S. engineering universities, and the University of California-Berkeley, and I am proud that the University of South Carolina was one of the charter members. This organization was created through a partnership of businesses and educators to provide engineering courses to schools that could not provide those courses themselves, in order to address the shortage of engineers in this country today.

Accordingly, I ask the distinguished chairman of the Communications Subcommittee whether section 393(b)(4) is meant to be more inclusive than the NTIA interpretation.

Mr. INOUYE. While I continue to believe that the PTFP's primary mission is to assist public broadcast stations to expand service to unserved areas of the country and assist existing stations in replacing obsolete equipment, I am aware of NTIA's vital role in helping to finance some of the country's most successful distance learning systems. This support has made it possible for groups like NTU to help strengthen our educational system and economy.

I am also aware of NTIA's rulings on the eligibility of nonbroadcast improvement grant applications. It is my view that section 393(b)(4) can be read as being more inclusive to permit an existing nonbroadcast entity to compete for improvement grants to extend service to a new geographical area or to enable a nonbroadcast entity to acquire equipment needed to produce and/or deliver important new programming to be distributed within the current geographical contours of an existing nonbroadcast network.

Mr. HOLLINGS. I thank my colleague for his statement. As one of the principal authors of the Public Telecommunications Financing Act of 1978 that extended financing to nonbroadcast applications, I agree with his interpretation of the scope of section 393(b)(4).

AMENDMENT NO. 1860

(Purpose: To make certain changes concerning the Board of the Corporation for Public Broadcasting and to make certain information available for public inspection)

Mr. INOUYE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1860.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all on page 3, line 4, through page 4, line 23, of the Inouye substitute to the committee amendment and insert in lieu thereof the following:

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on January 31, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on January 31, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on January 31, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on January 31, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on January 31, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

Strike all on page 10, line 23 through 25, of the Inouye amendment to the committee amendment, and insert in lieu thereof the following:

AVAILABILITY OF INFORMATION FOR PUBLIC INSPECTION

SEC. 14. (a) CPB INFORMATION.—Section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*) is amended by striking paragraph (4) and inserting in lieu thereof the following:

"(4)(A) The Corporation shall maintain the information described in subparagraphs (B), (C), and (D) at its offices for public inspection and copying for at least 3 years, according to such reasonable guidelines as the Corporation may issue. This public file shall be updated regularly. This paragraph shall be effective upon its enactment and shall apply to all grants after January 1, 1993.

"(B) Subsequent to any award of funds by the Corporation for the production or acquisition of national broadcasting programming pursuant to subsection (k)(3)(A)(ii)(II) or (iii)(II), the Corporation shall make available for public inspection the following:

"(i) Grant and solicitation guidelines for proposals for such programming.

"(ii) The reasons for selecting the proposal for which the award was made.

"(iii) Information on each program for which the award was made, including the names of the awardee and producer (and if the awardee or producer is a corporation or partnership, the principals of such corporation or partnership), the monetary amount of the award, and the title and description of the program (and of each program in a series of programs).

"(iv) A report based on the final audit findings resulting from any audit of the award by the Corporation or the Comptroller General.

"(v) Reports which the Corporation shall require to be provided by the awardee relating to national public broadcasting programming funded, produced, or acquired by the awardee with such funds. Such reports shall include, where applicable, the information described in clauses (i), (ii), and (iii), but shall exclude proprietary, confidential, or privileged information.

"(C) The Corporation shall make available for public inspection the final report required by the Corporation on an annual basis from each recipient of funds under subsection (k)(3)(A)(iii)(III), excluding proprietary, confidential, or privileged information.

"(D) The Corporation shall make available for public inspection an annual list of national programs distributed by public broadcasting entities that receive funds under subsection (k)(3)(A)(ii)(II) or (iii)(II) and are engaged primarily in the national distribution of public television or radio programs. Such list shall include the names of the programs (or program series), producers, and providers of funding.".

(b) INDEPENDENT PRODUCTION SERVICE INFORMATION.—Section 396(k)(3)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)) is amended by adding at the end the following new subclause:

"(VI) The Corporation shall not contract to provide funds to any such independent production service, unless that service agrees to comply with public inspection requirements established by the Corporation within 3 months after the date of enactment of this subclause. Under such requirements the service shall maintain at its offices a public file, updated regularly, containing information relating to the service's award of

funds for the production of programming. The information shall be available for public inspection and copying for at least 3 years and shall be of the same kind as the information required to be maintained by the Corporation under subsection (*l*)(4)(B).".

Strike all on page 11, lines 5 through 8, of the Inouye amendment to the committee amendment and insert in lieu thereof the following:

EFFECTIVE DATE

SEC. 17. Section 5(a) shall take effect on January 31, 1996. All other provisions of this Act are effective on its date of enactment.

Mr. INOUYE. Mr. President, the minority leader, Senator DOLE, Senator STEVENS, and I have all agreed to the adoption of the amendment regarding the disclosure of information by the CPB and the terms of the Board members.

This amendment is straightforward. The disclosure amendment requires that the CPB maintain a public file containing information concerning national programming that the CPB funds directly, information on national programs produced or acquired by public radio stations with grants from the CPB for national programs, and an annual list of national programs distributed by public broadcasting entities that receive grants from the CPB for the production of programming and that are engaged in the national distribution of public television or radio programs. In addition, as a condition of receiving any funding from the CPB, the CPB shall require that the Independent Television Service maintain a public file with certain information concerning the programming it funds.

This amendment responds to concerns that have been raised over the ease with which the public can gain access to information concerning national public broadcasting programming. Much of the data to be available for public inspection are already kept by the CPB or can be provided easily by the awardees of program funds and are already made available to Congress. By requiring CPB to maintain all of the required information at its offices, however, we will facilitate the public's access to information on the expenditure of Federal funds to support public broadcasting.

Mr. President, I am pleased that the objective of ensuring the availability of this information is being met without applying the Freedom of Information Act to the Corporation. We all know that CPB is a private, nongovernmental corporation and that it would be inappropriate to apply Government agency regulations to it, particularly considering the first amendment activities in which the recipient of its funds engages. This amendment is consistent with the means Congress has used in the past to apply worthwhile public policies to public broadcasting without endangering its non-Government status.

I would also like to point out that these disclosure requirements only apply to national programming after that programming has been aired by public radio and television stations and we do not intend that any information be collected by the CPB prior to the airing of the programs involved. In the case of grants given out by the CPB directly to producers for the production of programs, the CPB is required to give out information set forth in section (4)(B) of this act after the award of the grant for the program.

Moreover, under no circumstances, are the CPB or the recipients of CPB funds required to make available to the public any proprietary information of a privileged or confidential nature; internal documents or correspondence with outside parties, this includes but is not limited to information dealing with policy development, programming proposals, or preliminary audit findings, congressional correspondence; internal working papers; confidential personnel information; or, any other information which, if released, could impair the Corporation's or recipient's capacity to carry out their mandated responsibilities in an independent manner free from Government direction, supervision, or control.

We leave to the Board of the Corporation the responsibility for setting policies and procedures concerning the form under which information will be submitted by public broadcasting entities covered by this provision and the terms and conditions under which the public may have access to information. For example, the CPB may find it necessary to charge members of the public who seek large numbers of copies for the cost of copying the information in its public file.

BOARD TERMS

This amendment simply changes the date on which CPB Board members' terms expire to January 31, of the appropriate year and permits members whose terms expire before their successor is confirmed to sit for the remainder of the calendar year or until their successor is confirmed. Under current law, Board members must vacate the Board on the date their term expires, whether or not a successor has been confirmed. S. 1504, as reported by the committee permitted the Board members to remain on the Board until their successor was confirmed. The amendment we are considering today will simplify this process by permitting the CPB's Board members to sit until the end of the calendar year in which their term expires.

Mr. STEVENS. Mr. President, I associate myself with the Senator's comments on this amendment, and we will agree to it. I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1860) was agreed to.

Mr. STEVENS. Does the Senator from Montana have an amendment?

Mr. BURNS. I have a statement I would like to make at this time.

Mr. STEVENS. I yield to the Senator from Montana such time as he may need.

Mr. BURNS. Mr. President, I want to take a few minutes to talk about an amendment that I considered offering, but will not offer out of respect for the chairman, Mr. INOUYE, and of his desire to get this bill passed as soon as possible. As he knows, I am also a strong supporter of the Corporation for Public Broadcasting and especially of its commitment to education. I am an even stronger advocate, however, of distance learning in general, which is why I considered offering as an amendment to this bill, my bill, S. 2377.

The purpose of S. 2377 is to help remove some of the technological barriers that are stunting the growth of distance learning. Distance learning is the use of telecommunications technology to bring instruction into the schools. It gives students in rural Montana, or inner-city New York, access to advanced math, science, or language courses that otherwise would not be available due to the lack of resources in these areas. Distance learning can take place via a variety of technologies including satellite, microwave, cable, and fiber optics. I am totally committed to making a nationwide broadband fiber optic network that will benefit every school, library, health care facility, home, and business a reality. However, I happen to believe that the most cost-effective, immediately available way to foster the growth of distance learning is through satellite transmission. S. 2377 establishes a program of Federal loan guarantees making it possible for a non-Federal, nonprofit, public corporation to obtain financing for the purchase or lease of a dedicated education satellite system for the delivery of instructional programming.

A dedicated education satellite will allow the education sector to take full advantage of the opportunities available through distance learning via satellite. It will allow instructional programmers to collocate their programming on one satellite system. A system that is run by, and for, educators. A system that makes education its first priority, giving all instructional programmers equal access at an equal price. Such a system addresses two of the major barriers that instructional programmers face in the commercial market—cost and preemption. Because educational users are considered occasional buyers, they often pay the highest rates for time that is preemptable by commercial users. The benefits of collocation to education are similar to the benefits realized by the cable industry when they collocated. Programmers benefit because they are on a system that reaches a broader range of

users; and users benefit because they have access to a wide range of programs all on one system. Currently, educational/instructional programming is being offered on 12 to 15 different satellites. A school can only have its dish focused on one satellite at a time; thus it is likely to have access only to the one or two programs on that satellite. If all the programming was collocated on a single satellite, schools would have access to at least 24 channels of instructional programming—24 different programs—every hour of the school day. They could than offer a number of courses via satellite at the same time. In short, they could make a more cost-effective use of their ground equipment.

I think this initiative has a lot of merit, Mr. President, but there are others with a different point of view. Over the past few weeks, my staff and I have met and talked with representatives from the Corporation for Public Broadcasting [CPB] and the Association of Public Television Stations [APTS]. Through our discussions, it became clear to us that they believe their system may be sufficient to meet the needs to the education sector. They will have Telstar 401 launched at the end of 1993, and through digital compression plan to offer more channel capacity to education. I certainly support their efforts, but I do not believe, as some may, that a satellite system dedicated to education will duplicate their system. At a minimum, there will be a 5- to 7-year interim period between now and the time the education sector can make full use of Telstar 401's capacity. First, since the satellite's launch takes place in the middle of the school year, the first year of availability to the schools will begin in the fall of 1994. Second, the use of digital compression will require a substantial investment in new equipment by both educational/instructional programmers and users. Programmers will have to purchase a $40,000 to $100,000 encoder to send programming to the satellite; and users will have to purchase a $600 to several thousand dollar decoder to pull the programming down. Given that State and local education budgets are tight, it may be some time before that type of investment is made on a widespread basis. Even in the long term, I believe there are enough programmers and users out there to benefit from both systems. Capacity questions aside, I must also hold strong to my belief that Federal support of an education satellite system be premised on the principals of equal access at an equal price for all instructional programmers.

It is because Senator INOUYE expressed to me his concern that the options and issues need to be more fully explored and that he is willing to work with me to do so, that I decided not to offer my amendment to this bill. Let me just say in closing, I look forward to working with the Senator from Hawaii to promote distance learning. He is certainly one of the most well-respected members of this body and very knowledgeable on telecommunications issues.

Mr. INOUYE. I want to thank my colleague for his explanation of his bill and for not offering it at this time as an amendment to this particular bill. I do believe that his proposal has merit, as do many other proposals on this subject. It is for this reason that I have scheduled a hearing on June 17, on telecommunications and education. Senator BURNS has already indicated his willingness to participate in that hearing. I am also asking the Senator to suggest some witnesses that we can have at that hearing to speak specifically to his proposal.

Mr. BURNS. I certainly appreciate that offer, and will plan to take the Senator up on it. I think that a hearing on this subject will help clarify for us the issues that need to be addressed. My legislation is not comprehensive legislation, it was not intended to be. There are other barriers to distance learning and other opportunities for Congress to promote distance learning. I look forward to working with you, Senator INOUYE, on comprehensive distance learning legislation. I believe strongly in the benefits that accrue to education through more effective, efficient use of distance learning technologies. We hear a lot about the need to reform education. Distance learning is a cost-effective way to spread our educational resources to every student, regardless of wealth or geographic location. I think we need to do more in this area.

Mr. INOUYE. I agree wholeheartedly. I look forward to working with you Senator BURNS, and I look forward to starting that process next month with this hearing.

Mr. BURNS. Thank you, and I yield the floor.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not come out of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. 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. INOUYE. Mr. President, I believe the Senator from Connecticut wishes to be recognized.

I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] has the floor.

Mr. DODD. Mr. President, I rise today in very strong support of the Public Telecommunication Acts of 1991 which authorizes funding for public broadcasting programs and services through 1996.

At the outset, Mr. President, I want to commend the Senator from Hawaii, who chairs the Subcommittee on Communications, for his critical role in developing this legislation.

And, second, I would like to commend and recognize the efforts of Senator HOLLINGS of South Carolina, the chairman of the full Committee of Commerce, Science, and Transportation, who has also done a masterful job in bringing this legislation to the floor.

Public broadcasting is a very fine example of a public-private partnership that works. With modest amounts of Federal seed money, public broadcasters raise contributions from thousands of local companies and individuals. Using those public and private funds, local public stations provide first rate programs which help educate our youth, train our work force, and increase our cultural awareness.

The measure before us today would help strengthen that partnership and ensure that during these very troubled times, our public broadcasting stations can continue to provide the programs and services that have become such an important part of the American social fabric.

Since the establishment of the Corporation for Public Broadcasting a quarter of a century ago, millions of Americans have enjoyed educational, historical, and culturally enriching productions aired on their public stations. We have been entertained and enlightened by programs such as "Masterpiece Theater," "Firing Line," the "McNeil/Lehrer Newshour," and special series such as "Eyes on the Prize" and, of course, the "Civil War."

Public broadcasters have also been instrumental in developing educational programs for our Nation's youth. Programs such as "Sesame Street," "Mister Rogers' Neighborhood," and "Reading Rainbow" expand the educational opportunities of young children. Additionally, 24 million students now benefit from carefully designed, instructional programs that are used in thousands of classrooms across this country, all as a result of public television and our commitment to it.

With the funding provided by this legislation, the Corporation for Public Broadcasting can expand its educational services to further provide programs that help children arrive at school ready to learn; technological innovations and training for teachers to facilitate the use of programs in schools; new instructional programming for a wide range of subjects; and programs that build greater awareness of pressing community issues, such as drug abuse and discrimination.

I am pleased to report that public stations in my home State of Connecti-

cut are leading these efforts. For example, a series developed by Connecticut Public Television, "Scientific American Frontiers," is currently used as a teaching tool in science classrooms all across this country.

In light of these many accomplishments, it is not surprising that the overwhelming majority of Americans support public television. Almost 80 percent of all American families watch their public station each month. Additionally, in survey after survey, public television and radio programs get the highest marks from their viewing and listening audiences.

As we well know, there are critics of public broadcasting. They argue that we no longer need to support public stations, that the marketplace can provide the same quality programs that are produced by public broadcasters. But those critics miss the point. Public broadcasting was originally established because commercial programmers were not serving all of the needs of the American public. Although there are many more stations today, public broadcasters continue to provide programming that is simply not available on commercial stations.

Ken Burns, who created the "Civil War" series, makes this point quite eloquently. He notes:

> PBS offers a vital meeting place for Americans to see creative, thoughtful shows that are not dependent on the whims of advertisers or programmers concerned only with the bottom line.

Although public broadcasters have expanded the options of the American public, they do not always please all of the people all of the time, nor should they. But the structure of CPB ensures that public broadcasters are accountable to their communities. Local stations make the programming decisions. It is much better to have the local stations—the people who live and work in the community—determining whether programs meet the needs of the community rather than the Federal Government making that decision for them.

Additionally, local stations are accountable to their audiences in a very important way. They depend upon donations from those very audiences, the local audiences, for their survival.

Let me reemphasize that point, if I can, Mr. President. I do not think it is appropriate or proper for this body, or for Washington, to be deciding what kind of programs local communities would like to see on their public broadcasting stations. And the best proof of that is that local people and businesses support their local stations. If a community becomes unhappy with the quality of programming on its public broadcasting stations, that station would cease to exist. It would go out of business. What better test could we have to determine whether a station is servicing local consumers?

A few conservative critics have also argued that the Corporation for Public Broadcasting is a luxury, something that only a few people seem to enjoy. They suggest that because of the explosion of cable stations across the country, public broadcasting is no longer necessary.

But 40 percent of the American public do not have cable television. Public broadcasting stations are available to people who do not have cable. So, while there is an explosion of good broadcasting that is occurring on cable stations, it does not fill the need in many, many homes.

Furthermore, when you examine what the Nation gets for its money, you see that public broadcasting is a wise investment. Programs that help educate our children, expand our cultural horizons, and inform our citizens are not a luxury, they are an absolute necessity. They are needed to prepare our children for the work force, and to remove barriers between the races, and to strengthen our democracy and democratic institutions.

In short, public broadcasting, like our Nation's parks and libraries, has become a vital cultural resource. It is a public-private partnership that has demonstrated an ability to provide high quality, cost-effective programs and services to the American audience. With the funds authorized by this legislation, public broadcasters can continue to provide those programs and services and expand their educational efforts.

Mr. President, before I yield the floor, I would like to commend Ms. Sharon Percy Rockefeller for several articles that appeared in the Washington Post which she wrote in response to several columns written by George Will.

George Will is about as succinct and precise a columnist as there is writing today and Mrs. Rockefeller has responded, I think, with telling arguments.

I would like to emphasize several points that she made, particularly in her May 15 op-ed piece.

Let me quote from her article. At one point she notes that:

> Public television is the largest classroom in the world.

What a wonderful line. We talk about the millions of people who benefit from this, but this is the largest classroom that we have in the world. She continues:

> Some 75 percent of all schools, representing 30,000 students, can use public television, and most do. Thousands of viewers have secured high school equivalency degrees by watching. Nearly 2 million people in this country have taken college courses for credit with the help of public television.

With that kind of success, I do not understand how people can argue that we cannot afford to support public television. What other governmental program do we have that can point to such success?

Ms. Rockefeller goes on to state:

> If public television has accomplished anything, it has been to make the best of our cultural heritage available and affordable to more people than at any time in human history.

That is such an important point. She notes that when CPB broadcast "Wagner's Ring Cycle" in 1990, "more people saw it in one week on American public television than had ever seen it live in all the Ring productions since 1876." That fact is truly remarkable.

I hope, Mr. President, that during this debate, Senators will listen to their constituencies and the consumers in their States. The vast majority who watch and support their local stations. Public broadcasting has provided an invaluable service for this country for a quarter of a century. It would be a great tragedy to diminish this vital resource which continues to make important contributions to the Nation.

I yield the floor.

Mr. INOUYE. Mr. President, I wish to commend my friend from Connecticut for a strong and eloquent statement in support of this measure. It is one of those speeches one would describe as "I wish I had delivered that."

Mr. HOLLINGS. Mr. President, I rise today in support of S. 1504, the Public Telecommunications Act of 1991, which I have cosponsored. This bill authorizes essential funding for the Corporation for Public Broadcasting [CPB] and the Public Telecommunications Facilities Program. Passage of this measure will provide for the continued growth and development of the American system of public broadcasting, a vital part of our broadcasting industry.

Mr. President, first I congratulate the Communications Subcommittee chairman, Senator INOUYE, and my colleague Senator STEVENS on their efforts in readying this bill for floor consideration. It has been a long and arduous road, but I believe that the services provided by public radio and television are well worth the effort.

The closing years of the 20th century promise a world of steadily increasing complexity and diversity, a world where communications are instantaneous and knowledge is elusive. Public broadcasting's commitment to in-depth news and information has become all the more important in an era of sound-bite journalism. The more rapidly the world changes, the more listeners and viewers turn to public broadcasting for thoughtful information.

There are many reasons to support this legislation. Of particular importance is the assistance that the legislation provides for public broadcasting stations serving rural areas and underserved audiences. The Commerce Committee has stressed to the CPB the importance of providing additional assist-

ance to stations serving such communities. In many rural areas, public broadcasting is the only access to the outside world and is not just an alternative to commercial broadcast programming. In addition, other groups, such as minorities and the hearing impaired, are underserved by commercial and public broadcasting. The committee recognizes that the CPB has been working to extend the reach of public broadcasting, particularly public radio, to these communities, and we hope that this effort continues.

In the area of education, public broadcast stations, particularly public television stations, play a critical role in expanding and supplementing the available curricula in our schools and universities. Public broadcasting continues to serve as an economical and efficient mechanism of distributing educational information to our children, both in their homes and in schools.

In South Carolina alone, there are 11 public television stations and 9 public radio stations. The South Carolina Educational Television [SC ETV] is operated on a statewide basis. SC ETV and the South Carolina Department of Education's Office of Instructional Technological Development [OITD] provide instructional programming to children in grades kindergarten through 12 throughout the State. Eighty-three percent of all of the State's public school students—over 500,000—use the Intelligent Television system. Instructional programming is broadcast over SC ETV's 11 broadcast stations and through its Instructional Television Fixed System. During the period 1991–92, 637 teachers received credit through 2 certificate renewal courses carried by SC ETV.

On a typical day, SC ETV delivers more programming than ABC, CBS, NBC, and CNN combined, including over 100 hours of instructional programming, in addition to in-home viewing. Over 3,000 rooms can receive the SC ETV system in South Carolina, including those in public schools, hospitals, law enforcement sites, the Department of Health and Environmental Control, community colleges and universities. SC ETV provides teleconferencing for the Medical University of South Carolina and three major teaching hospitals in the State. In 1991, there were over 29,000 medical education viewers of SC ETV's ITFS closed circuit network. It is estimated that the SC ETV teleconferencing facilities save the State $11.5 million in travel and productivity.

SC ETV provides higher education telecourses and has numerous programs focused on early childhood education, and its member stations do a great deal at the local level to address problems facing communities in South Carolina. I could go on and on about all the SC ETV contributions to the residents of the State of South Carolina.

Another important component of the public broadcasting system that also involves South Carolina is the Satellite Educational Resources Consortium [SERC], a 23-State partnership of educators and public broadcasters that helps schools to meet the needs of students and teachers through live interactive satellite-delivered courses. This consortium was created by several State public broadcast systems, including SC ETV. Through these satellite programs, schools that are geographically or economically disadvantaged may now offer courses that would otherwise not be available. In addition to South Carolina, SERC members include: Alabama; Arkansas; Detroit, MI; Florida; Georgia; Iowa; Kansas City, MO; Kentucky; Louisiana; Maine; Michigan; Mississippi; Nebraska; New Jersey; New York; North Carolina; North Dakota; Ohio; Pennsylvania; Texas; Virginia; West Virginia; and Wisconsin.

SERC offers courses in languages, advanced math, economics, physics, and geography. Sixty percent of the schools it serves are in rural areas, and 75 percent of the schools have enrollments of less than 1000. I applaud the efforts of the CPB and the stations, and I hope that their partnership in education continues to grow and expand the educational programming available to this Nation's children and adults.

The nine public radio stations in South Carolina also provide important services for the community. For example, eight of those stations run a program four days a week during the school year, called "Staff Development," which is designed to help teachers and school staff deal with the every day problems they face. The hour-long program features teachers, principals and other school staff who talk about everything from discipline problems to new teaching methods. Those stations also broadcast a program titled "Give a Child a Book," where children's books are read on the air. Both of these programs have been extremely popular.

In addition, public broadcasting is a constant source of high-quality national programming, like the "Civil War" series. Millions of Americans rely on public broadcasting to bring to their homes cultural events from all over the country and the world. Public broadcasting stations serve as an important source of alternative programming for those Americans who are not content to rely on commercial broadcast stations.

In recent months, there has been a great deal of discussion about the importance of preserving the independence and autonomy of the local licensee. I concur with the statements of the floor managers that it is the licensee that has the sole responsibility and obligation to determine what mix of programming best meets the needs and interests of its local community. This principle is crucial to the continued success of public broadcasting, and cannot be overstated.

Mr. President, for just a moment I will discuss another subject equally important—national public radio and television programming. National programming makes public broadcasting more than just a loose federation of local stations programming for their individual markets. National programming creates an awareness of American cultural treasures in music and drama, and has stimulated interest in, and greater appreciation for, American performers, conductors, directors, producers, and organizations. National programming is a tool that strengthens the capacity of local stations to serve their audiences with a vibrant mix of national and local coverage.

The national-local partnership, which congressional support has done so much to foster, is an asset today in ways that may not even have been anticipated 25 years ago. In a high-technology tide of broadcasting homogeneity, this partnership can help us keep track of ourselves as a people. This partnership must be encouraged and nurtured.

Mr. President, this brings me to the amendment of the senior Senator from Alaska. There has been a great deal of discussion about what this amendment means and does not mean to the rights and obligations of local broadcasters. Let me address for a moment what this amendment does not mean for national program producers—this amendment in no way impinges on the editorial freedom and independence of the producer. Once a program or series of programs has been accepted for funding, the producer is in total control of the project. This amendment does not make CPB the executive producer of programming that it funds.

In closing, I thank the chairman of the Communications Subcommittee and the sponsor of this bill, Senator INOUYE, and Senator STEVENS for all their work on this legislation and the amendments we will be considering today. I also thank the other cosponsors and members of the committee for their combined efforts in crafting this bipartisan legislation. Given the importance of public broadcasting, the funding provided for in this legislation is far less than what is needed, but is realistic given today's budgetary constraints. I urge my colleagues to support this bill.

Mr. GORE. Mr. President, I urge my colleagues to join me in support of the Corporation for Public Broadcasting [CPB] reauthorization bill. Several weeks ago, we debated the CPB bill and the merits of public broadcasting programming decisions. I said at that time and say again today that those of us in Congress and those in the administration must let CPB continue its fine record of providing grants to public

broadcasting stations without political interference or censorship. CPB was designed for this purpose and has fulfilled its mission well.

Just as importantly, I urge my colleagues to support full reauthorization levels for CPB. The Corporation for Public Broadcasting has proven a wise use of Federal funds in the past. With high quality programming for all ages, public broadcasting challenges Americans from preschool to senior citizens. As a parent, I am particularly indebted to public broadcasting's fine children's programming targeted to learning and development in early childhood years. Programs like "Sesame Street" and "Mr. Rogers' Neighborhood" help kids get a vital head start on learning before they enter school. CPB has been successfully helping us reach a goal, only recently set: that by the year 2000, children enter school ready to learn.

The CPB reauthorization bill seeks to expand these very programs which have a demonstrated record of success. Increased funding would go toward programs that ensure that children arrive at school ready to learn: for instance, CPB would expand the "Mr. Rogers' Neighborhood" program with extending the neighborhood to help improve the learning and social skills of children in childcare centers. In today's economy where so many parents have no choice but to both work, more and more children acquire their basic learning and social skills in daycare facilities. Improving preschool education is an important way for the United States to catch up with other industrialized nations in education; we need to start at the beginning to improve U.S. educational standards. Children who are ready to learn when they arrive at kindergarten get more out of school throughout their educational experience.

As an important corollary, CPB is also targeting funding toward training childcare providers. By expanding the project Early Childhood Professional Development Network, CPB funding will assist in the training of childcare providers through videotapes and teleconferencing.

In addition, this bill seeks to make new technologies more accessible to schools and teachers. For example, the bill directs additional funds to the Satellite Educational Resource Consortium, which helps provide instruction in areas which areas which have teacher shortages. SERC helps provide a diversity of educational subjects, including mathematics, science, and foreign languages. SERC courses reach many disadvantaged students and help to give them the tools necessary to compete successfully in a global marketplace.

Funding in the bill would expand online computer networks that help teachers and librarians intergrate learning technologies into educational curriculum. By using electronic forums, the computer networks bring students, teachers and teaching concepts together at the same time on an interactive basis. CPB seeks to expand this Learning Link Program to serve areas which are currently unserved.

The bill would increase the availability of instructional television. The National Instructional Television Satellite schedule provides instructional programming for classroom use in all subjects from kindergarten through 12th grade. Eighty percent of all schools use some form of instructional television. NITSS also provides guides and instructional materials to teachers and librarians to assist them in making full use of this educational programming.

The bill adds funds to train teachers in the use of new educational technologies. One of the most cost-effective ways to help teachers be better at their jobs is to connect them with other teachers, administrators, educational institutions and community groups simultaneously through live, interactive videoconferences. These videoconferences allow educators to share ideas and talk directly with experts. The Annenberg/CPB Math and Science Project is a collaborative effort to assist teachers in science and mathematics instruction with the use of computers. The project uses communications and educational technologies, including computers, two-way video, laser discs, electronic networks and data services to promote science and math in elementary and high schools. Thus, CPB has been moving us toward another important education goal we have set for ourselves by the year 2000: that American students be first in the world in mathematics and science achievement.

CPB has a proven track record of successful educational programming which it seeks to expand under this bill. There is no question that our educational system needs new ideas to enlist children more actively in the learning process. This bill is a cost-effective way for the Federal Government to offer assistance to the State and local governments in education. Nationwide educational and teacher training programs use technology to improve education by increasing its availability, by providing diversity, and by challenging our students and teachers to use technology as a learning tool. In an increasingly technology-driven marketplace and world, educational efforts that embrace technology are exactly what is needed to prepare students for the future.

I support full CPB authorization levels. I do so because our country's continued success depends on the preparation we provide our citizens today.

On other issue relating to CPB is the agreement reached on the applicability of the Freedom of Information Act to CPB. I am pleased that the objective of ensuring the availability of information pertaining to national programming is being met without applying the act to CPB. At the time FOIA was enacted, Congress wisely excluded CPB from its coverage to avoid any effect that enforcement of the act might have on the operations of CPB. Nevertheless, in its role as the entity accountable for Federal support of public broadcasting, CPB adopted and has maintained a policy of honoring and implementing the principles of FOIA, in a manner consistent with CPB's status as a private, nongovernmental corporation engaging in constitutionally protected activities in the area of broadcast program support.

I urge my colleagues to join me in supporting full CPB funding for a better future.

Mr. BINGAMAN. Mr. President, I rise today to commend the public television stations in New Mexico for their fine work in expanding the educational and cultural opportunities of our citizens. KNME in Albuquerque, KRWG in Las Cruces and KENW in Portales are valued community partners, providing services which reflect the diverse ethnic groups in their coverage areas. I would like to mention that access to free public television is especially important in a State like New Mexico where only about 54 percent of the households subscribe to cable television. Since approximately 97 percent of the people in our State have access to broadcasts from one of our three public television stations, almost everyone can benefit from the excellent programming and public service initiatives provided by the stations. There is great cooperation among the public television stations in New Mexico which further enhances their effectiveness. Citizens in my State know that public television is not just a collection of broadcast stations—public television cultivates education reform, literacy, volunteerism, public-private partnerships, freedom from drugs and alcohol, and much more.

I would like to highlight a few initiatives by the public television stations in New Mexico which have been beneficial to our communities and also mention a few new projects which are designed to increase the wide range of services which are currently provided.

The three public television stations in my State have formed the New Mexico Public Television Instructional Television Project which has established an education television consortium. Through the consortium, the public television stations consult with the State Department of Education and local school districts on the selection of in-school instructional programming. The programming will be purchased by the stations on a group basis in order to conserve funds and to offer a greater variety of programming to

our schools. A statewide teacher's guide will be produced and the stations plan to offer an even wider variety of materials to support the use of instructional programming in the classroom. The public television stations also share public service programs on such topics as politics and the environment.

KNME in Albuquerque is working with State agencies, industry and institutions to design a plan to utilize telecommunications technologies to increase the delivery of educational services to schools, institutions, and the general public. As you know, Mr. President, public television can play a crucial role in providing learning opportunities for a diverse group of learners—from the student in a remote area of the State who wishes to take advanced courses to the adult who desires training in new job skills. KNME is also participating in a project designed to deliver training to Head Start workers via satellite transmission and is one of five public television stations being used for case studies profiling model outreach activities and their impact within the local community. The station is actively involved with the New Mexico coalition on literacy and, like our other stations, produces many excellent public service programs.

KRWG in Las Cruces serves almost 200,000 households and supports many public affairs programs. To tailor national programs to meet local needs and interests, the station often conducts followup programs to focus on different viewpoints of a controversial issue or to provide citizens with additional information. After a recent PBS program on family preservation, viewers could call the station and ask a panel of experts questions on assisting children in families experiencing problems without breaking up the family unit. One of the few public television stations with a local news program, KRWG uses this program as a training ground for broadcast journalism students from New Mexico State University. As I mentioned earlier, all of our stations are actively seeking to increase their contributions to the educational community to provide lifelong learning opportunities for our citizens.

Station KENW in Portales broadcasts instructional programming 6 hours a day, Monday through Friday, through its instructional television fixed service is actively seeking additional avenues for expanding services to schools. The station is also increasing its Spanish language programs to meet the needs of its viewing audience and plans to implement stereo service in the near future.

Each of our stations should be especially commended for their efforts to increase the educational opportunities of our citizens through work with public schools, universities, colleges, vocational institutions, and other organizations which serve local communities.

New Mexicans have shown their appreciation of the excellent programming and civic contributions provided by their public television stations by supporting the stations monetarily and by contributing time for volunteer work at the stations. In fiscal year 1990, KNME in Albuquerque received approximately 55 percent of its annual operating budget from the community. In Las Cruces, KRWG reports that a recent fundraiser resulted in a 77-percent increase in contributions and a 59-percent increase in contributors above last year. Both KRWG in Las Cruces and KENW in Portales receive about 25 percent of their funding from the public and business community. Our stations are obviously receiving strong public support, but costs are also rising and continued financial support by the Corporation for Public Broadcasting's community service grants is crucial. These grants not only leverage State, local, corporate and individual contributions, but allow the stations to produce programs which meet the unique interests and needs of the people in our State. The public television stations in New Mexico have long been a valuable community partner and I strongly support continued Federal support for the Corporation for Public Broadcasting.

AMENDMENT NO. 1861

(Purpose: To require the Corporation for Public Broadcasting to report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel)

Mr. INOUYE. Mr. President, in behalf of the Senator from New Mexico [Mr. BINGAMAN] I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BINGAMAN (for himself, Mr. HEFLIN, Mr. HATFIELD, and Mr. KERREY), proposes an amendment numbered 1861.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 12, between lines 2 and 3, insert the following:

READY-TO-LEARN TELEVISION CHANNEL

SEC. 12. (a) The Congress finds that—

(1) many of the Nation's children are not entering school "ready to learn";

(2) next to parents and early childhood teachers, television is probably the young child's most influential teacher;

(3) a vital component in meeting the Nation's first education goal is the development of interactive programming aimed exclusively at the developmental and educational needs and interests of preschool children;

(4) television can assist parents and preschool and child care teachers in gaining information on how young children grow and learn; and

(5) there is a need for quality interactive instructional programming based on worthwhile information on child development designed for children, parents, and preschool and child care providers and teachers.

(b) Within 90 days following the date of the enactment of this Act, the Corporation for Public Broadcasting shall report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel. Such report shall include, among other things—

(1) the costs of establishing and implementing a ready-to-learn channel;

(2) the special considerations of using television as a learning tool for very young children;

(3) the technology, and availability thereof, needed to establish and implement such a channel; and

(4) the best means of providing financing for the establishment and implementation of a ready-to-learn channel.

On page 12, line 4, strike "12" and insert "13".

Mr. BINGAMAN. Mr. President, the American essayist E.B. White once wrote:

I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision, we shall discover either a new and unbearable disturbance of the general peace or a saving radiance in the sky. We shall stand or fall by television—of that I am quite sure.

Ernie Boyer in his new book "Ready to Learn" is deeply concerned that America is losing sight of its children. In the opening of his book he states, "In decisions made every day we are placing them (children) at the very bottom of the agenda, with grave consequences for the future of the nation." And I believe he is right.

The first of the national education goals states that every child in America should start school "ready to learn" by the year 2000. In order for this goal to be achieved the focus has to be on children and what we can provide for them before they begin school. This will not be easy.

The Southern Regional Education Board, after evaluating the school readiness of children in that part of the country, concluded:

Today not all children are ready to begin the first grade. Too many never catch up. Unless additional steps are taken, possibly one-third of the one million children projected to be entering the first grade will not be ready to do so in the year 2000.

As we are all aware, change and reform take time to be implemented. But we need to start somewhere. This amendment I am proposing will start to address changes with respect to the over 14 billion hours of television this Nation's 14 million preschoolers watch every year.

My amendment will direct the Corporation for Public Broadcasting to report on the most effective way to establish and implement a "Ready-to-Learn" public television channel. The report would include the costs of estab-

lishing and implementing a "Ready-to-Learn" channel, the technology, and availability thereof, needed to establish and implement such a channel, and the best means of providing financing for such establishment and implementation.

A "Ready-to-Learn" channel would encourage the development of programming aimed exclusively at the educational needs and interests of preschool children. On such a channel, instruction would also be provided for preschool care providers outside of the home as well as for parents. In far too many instances, television's potential in the field of education has not been fulfilled. Edward Palmer, author of "Television and America's Children," has said:

[I]t is economically irresponsible that we fail to use television fully and well to help meet nationwide educational deficiencies in all key school subjects.

I find it irresponsible that we are not using television in a focused way to assist our young children in developing skills essential for school readiness. The report required by this amendment will provide a beginning in seeking ways to enrich the educational opportunities of our preschool children.

Mr. INOUYE. Mr. President, this amendment has been studied and reviewed by the managers of this bill. We find no objection to it. We support it.

Without objection, we yield back all of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1861) was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, I yield myself such time as I shall consume.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER] has the floor.

AMENDMENT NO. 1862

(Purpose: To require the Corporation for Public Broadcasting to report to the Congress as to the most effective way to encourage distance learning through use of existing Corporation facilities)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself and Mr. GRASSLEY, proposes an amendment numbered 1862.

At the appropriate place, add the following:

CORPORATION FOR PUBLIC BROADCASTING REPORT ON DISTANCE LEARNING

SEC. . (a) The Congress finds that—

(1) distance learning would provide schools in rural areas with advanced or specialized instruction not readily available;

(2) utilization of distance learning can end some school closings or consolidations;

(3) distance learning will play a vital role in accomplishing the goals of "America 2000" as established by the President;

(4) Corporation for Public Broadcasting should promote distance learning projects where it is cost effective;

(5) Corporation for Public Broadcasting can promote distance learning by helping reduce the costs associated with telecommunications services.

(b) Within 180 days following the date of the enactment of this Act, the Corporation for Public Broadcasting in consultation with other education program providers and users, shall report to the Congress as to the most effective use of their existing telecommunications facilities to establish and implement distance learning projects in rural areas. Such report should include, among other things, the costs and benefits of establishing national demonstration sites to study new distance learning tools and to evaluate the most effective use of current distance learning applications; any incentives necessary to provide access to Corporation for Public Broadcasting facilities for distance learning applications.

Mr. PRESSLER. Mr. President, I thank the clerk for the reading of the amendment. I allowed the clerk to read the entire amendment because it is so self-clarifying. Normally, I would have asked unanimous consent to ask that the reading be dispensed with. I think the reading of the amendment explains the amendment. I shall make a few brief remarks.

Mr. President, I support passage of S. 1504, the reauthorization of the Corporation for Public Broadcasting. South Dakota Public Broadcasting, with assistance from CPB, has been an important factor in the lives of South Dakotans for the past 20 years. It contributes to a higher quality of life in local communities, schools, colleges, and businesses. As knowledge increasingly becomes available only to those who can afford it, public broadcasting is an excellent resource for all South Dakotans, whether urban, rural, or on the reservations.

South Dakota Public Television devotes 6 hours every weekday exclusively to children's educational programs. On the weekend, children have numerous chances to choose from a variety of wholesome, educational television programs.

The parents and day care providers of these children are motivated and educated by parenting programs during the evenings and on weekends. One hundred and fifty South Dakota day care providers participated in a statewide teleconference last January which trained them to use South Dakota Public Broadcasting programming to educate the young people under their care.

During the schoolday, teachers of children from kindergarten to middle school and through high school have the opportunity to use carefully selected programs as part of their class plans. Instructional television is available during schooltime 15 hours each week. It also can be taped and used when it best suits the teachers' needs.

Both South Dakota Public Radio and Television give South Dakota viewers a chance to voice their opinions and ask questions through live call-in programs, whether it is the program "South Dakota Prime Time," which offers viewers the chance to call and ask State officials about property taxes and other issues that affect the State, or "South Dakota Forum," which gives listeners the opportunity to ask about topics ranging from child care to nuclear waste disposal sites.

Additionally, South Dakota Public Radio and Television provide outstanding coverage during the State legislative session, including coverage of live debates from the senate floor. This year in particular has been a landmark year in political coverage. South Dakota Public Television and Radio provided exclusive coverage of the Democratic Presidential forum in Sioux Falls. C-SPAN and a number of other television and radio stations aired all or a portion of the coverage.

Programming produced by South Dakota Public Broadcasting educates, entertains, and informs. Most importantly, public broadcasting gives families an opportunity to learn together.

University credit telecourses reach all over South Dakota for anyone interested in pursuing a college degree, or just bettering their life. South Dakota Public Broadcasting and the University of South Dakota are partners in providing these telecourses.

Of the more than 1,800 colleges that offer adult learning service courses, South Dakota ranks third in the United States in enrollment of students through a 4-year college. This service is utilized by rural students, mothers at home with small children, and grandparents. An average of 400 students are enrolled each semester.

South Dakota Public Broadcasting operates a telecommunications system that delivers quality programming and services to all South Dakotans. This application of telecommunication technology for educational purposes is important. I envision that over the next few years public broadcasting will be a major catalyst for bringing distance learning to rural America.

For this reason I have sent to the desk this amendment to S. 1504, for myself and Senator GRASSLEY.

Mr. President, this amendment directs the Corporation for Public Broadcasting to conduct a comprehensive study of the benefits distance learning would bring to both private and public education in rural America and smaller cities in America.

The Corporation for Public Broadcasting has long been a pioneer in the application of its communication infrastructure to provide educators and students with access to distance learning tools. CPB has helped bring new appli-

cations to the way in which we educate our children. Advances in digital compression technologies soon will further allow CPB to use its existing network to provide educators with many additional educational resources. New uses of microwave links and television facilities will soon enable the CPB to provide additional tools for educators to instruct their students. My amendment would help CPB to expedite these new applications.

First, this amendment outlines congressional findings regarding CPB application of distance learning technology.

Second, this amendment directs CPB to study many complex issues involved in implementing distance learning technology.

Mr. President, this in-depth examination will assist Congress to craft telecommunications policy to accomplish our educational goals. I believe the advances we will make through the use of distance learning technology will provide future generations of American students with many new resources.

The CPB will play a vital role in this process.

Mr. President, in conclusion, let me say that I believe that the reading of the amendment explains the amendment. It is very important in rural areas and smaller cities throughout our country where the distances are great.

Let me also say, insofar as public broadcasting, the basic bill, is concerned, there has been some controversy on this floor and in the newspapers.

I have been a personal contributor to public broadcasting in South Dakota and locally in Washington, DC. There are times when I wish it had less of what some consider a liberal slant in some of its presentations of the news. Also, in my State, I wish it had more coverage of congressional events and positions of Congressmen and Senators. I hope that those are areas that can be improved. Of course, the funds are limited.

But overall I have concluded to support the passage of S. 1504. I will continue to be a contributor of public television and radio privately on the modest level I can contribute. I will continue to be an advocate and also a critic at times, but I think the people who run this have a great responsibility. I hope they are fair and that they carry out their responsibilities as we all must in this work of public affairs and public broadcasting.

Mr. President, I ask adoption of my amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii has 2½ minutes on the amendment.

Mr. INOUYE. Mr. President, the managers have studied this measure and we are most supportive of it.

I yield back the remainder of my time.

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The PRESIDING OFFICER (Ms. MIKULSKI). The question is on agreeing to the amendment.

The amendment (No. 1862) was agreed to.

Mr. PRESSLER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, if I may, I would like to be a bit parochial at this juncture and share with my colleagues what Hawaii public television is doing to serve our people.

Hawaii public television serves as an example of what public broadcasters are doing to serve their communities. Hawaii public television has two television stations serving the Hawaiian Islands. It also operates Hawaii Interactive Television [HITS], a four-channel, closed-circuit, statewide television system used for educational purposes and training and management conferences. The University of Hawaii offers 60 hours of telecourses and the Hawaii Department of Education offers 35 hours of educational programming on HITS. It is also used to provide child care training for the "Sesame Street" preschool project to increase the impact of "Sesame Street's" educational and social messages. HITS is also used by senior citizens to communicate with each other on the other islands.

Hawaii public television also uses its resources to focus on the needs of Hawaiians. This year it has produced a series on the family, which focuses on six Hawaiian families and how those families are coping with today's problems. It provides programs on Hawaii, like: "Mauna KEA, on the Verge of Other Worlds" about the Mauna Kea observatory; "Honolulu . . . A Sense of Place," on historic preservation in Hawaii; and "Hawaii Files: A Journey for Homelessness," a story about homeless people in Hawaii.

Hawaii public radio also provides community programming focused on the needs of Hawaii residents. It broadcasts Pacific Island News and Asia Report, the only radio news programs addressing the needs of Pacific islanders and Asians.

In addition, Hawaii public radio carries the Honolulu Symphony Orchestra and the Hawaii Opera Theater which is heard by many Hawaiians who are unable to attend live performances.

Hawaii public radio makes its FM subcarrier available to the Hawaii public libraries for the blind reading service.

I could go on at great length about all of the wonderful programs Hawaii public television and radio carry. However, because of time limitations I will conclude my remarks at this juncture.

Madam President, I suggest the absence of a quorum, the time not to come out of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PRESSLER. Madam President, I ask to proceed as if in morning business for approximately 4 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

COMING FULL CIRCLE IN CZECHOSLOVAKIA

Mr. PRESSLER. It is said "what goes around, comes around." When I visited Czechoslovakia in 1986, one of my top priorities was to meet with leaders of the repressed Charter 77 movement. Charter 77 was made up of thoughtful dissenters from communism, including Vaclav Havel, Martin Palous, and Anna Sabatova. During that trip, I requested the opportunity to meet with members of Charter 77.

I was prevented from meeting with these people. Let me quote a portion of my 1986 trip report (S. Rpt. 100-13) to give some flavor of the incident:

> At the vestibule of their apartment, I was stopped by several plainclothes policemen, who prevented me from entering. They stated that unless I was able to present my passport for identification, I would be unable to enter. Thus, I returned to my hotel, procured my passport, and returned to the apartment building. I was then met by approximately ten plainclothes police, who insisted I should not enter. When I inquired why, they stated that the Ministry of the Interior forbade my entrance, citing this as an inappropriate place for a U.S. Senator to visit. Attempting to pass by the policemen, I was blocked from entering again. At that point, after some discussion, the Embassy political officer accompanying me offered to go upstairs and bring the charter spokesmen down. This was done, but the charter spokesmen were prevented from leaving the building to speak with me.

On my return to the United States, I addressed the Senate on July 23, 1986. At that time I inserted into the RECORD a copy of a UPI report on the incident and a copy of my letter to Secretary of State Shultz, in which I stated that "it was a shocking experience to personally witness this violation of the spirit and principles of the Helsinki Final Act."

Madam President, I recently returned from a working visit to Czechoslovakia, now known as the Czech and Slovak Federal Republic. Just less than 6 years after my first attempt to visit with Charter 77 members in their own country, all the barriers have been removed. In 1986, the regime prevented a U.S. Senator from meeting Charter 77. In 1992, many Charter 77 members are officials in the democratically elected government.

I was delighted to have the opportunity to meet President Havel, Mr. Palous, and Ms. Sabatova on this visit.

It is not easy for a country to emerge from communism. Serbia, Cuba, North Korea, and Vietnam are still controlled directly by Communists, and officials of the former Communist regimes remain entirely too influential in many parts of the former Soviet Union and Eastern and Central Europe. This includes the Czech and Slovak Federal Republic.

The battle to help people liberate themselves from socialism and communism continues. The people of Czechoslovakia ought to be commended for showing others how to achieve freedom.

UNITED STATES SHOULD ACT ON UNSAFE SOVIET REACTORS

Mr. PRESSLER. Madam President, in just a few days I will join other Senators in the official Senate observer group mission to the Earth summit in Rio de Janeiro. I intend to raise an important environmental issue at that meeting. It is an issue I have been working on in this body for some time now.

On July 24, 1991, the Senate adopted my amendment that would have conditioned foreign aid to what was then the Soviet Union on a commitment to "environmental restoration and rehabilitation of unsafe nuclear facilities that it continues to operate" and that the "the Soviet Union will not transfer to any country any equipment, technology, or services to build any VVERS reactors."

As recently as May 14, I again raised this issue in the Senate and reiterated my intention to amend the foreign assistance bill for the former Soviet Union and the Baltic States, S. 2532, to permit assistance to make safer the powerplants that can be secured, and close those that pose an imminent threat of nuclear catastrophe.

VVERS reactors were built without much concern for safety by the Soviet Communist regime. They lack containment structures that have helped prevent accidents in the West and which are standard in our country.

Madam President, I am delighted to report that President Bush and leaders of other countries of the Group of Seven have at last joined me in a commitment to help shut down those reactors which cannot be upgraded and make safer those that can be.

In his Lisbon speech on May 23, Secretary of State Baker announced a multilateral nuclear reactor safety initiative which shares some of the key provisions I have been calling for. First, it would "expand * * * existing efforts of the Department of Energy and Nuclear Regulatory Commission to establish two regional training centers—one for Russia and the other in the Ukraine." Secretary Baker describes their work as providing "essential training in safety procedures and equipment" and the Ukraine center will have a computer simulator.

As importantly, Madam President, the Secretary said these centers can be used by the independent states of the former Soviet Union and the Baltic States to create what he called a package of operational safety enhancements and risk reduction measures. Secretary Baker invited other countries to join the United States in this initiative.

This is a realistic beginning, but it remains essential that funds authorized to be appropriated in S. 2532 be permitted to be used for this effort. It also remains vital that any legal obstacle to participation by U.S. contractors be removed.

Madam President, I am aware of possible amendments to legislation in the other body that would, in essence, declare that nuclear power should no longer be an option in the Baltic States and the former Soviet Union. My present thinking does not allow me to support such an approach as some Soviet-built reactors can be made safe and because many of these newly free states have no real energy alternative.

The Los Angeles Times quoted Secretary Baker as saying that:

> The dangers of Chernobyl are real, and this initiative aims to reduce the risk of accidents * * * by addressing safety deficiencies of those reactors as soon as possible.

Secretary Baker is correct, but, unlike Chernobyl, some of the nuclear reactors in these countries can be rehabilitated. Madam President, I will ask unanimous consent that the Los Angeles Times story by Norman Kempster on May 24, be inserted in the RECORD following my remarks.

The administration initiative reflects the precise thrust of an amendment I plan to offer to S. 2532. I believe Congress and the administration should support my amendment to make available funds authorized in the aid bill to the former Soviet Union for nuclear powerplant cleanup.

Officials estimate that the total cost of rehabilitating or shutting down unsafe reactors could be as much as 12 billion Germany marks, or about $7.55 billion. Germany and France both know that safe nuclear power is attainable. Much of France's energy is produced by secure nuclear powerplants. Both countries also know that the Baltic States and states of the former Soviet Union rely on nuclear power and have no cost-effective alternative at present.

My amendment would help by making some of the assistance in S. 2532 available for cleaning up reactors that can be salvaged safely and closing down those that cannot. Unfortunately, U.S. companies and experts are presently prevented from participating in that effort. That legal prohibition should be lifted immediately so that revenues generated by reactor design professionals and other experts do not end up in foreign countries.

The necessity for U.S. participation in this effort is described well in an editorial in the St. Petersburg, FL, Times of May 24. I will ask unanimous consent that the editorial be inserted in the RECORD following my remarks.

In 1990, the United States and the Soviet Union signed an agreement on Scientific and Technical Cooperation in the Field of Peaceful Uses of Nuclear Energy. That agreement authorizes the Department of Energy, the Nuclear Regulatory Commission, and other relevant United States agencies to cooperate in 12 specific areas with the republics of the former Soviet Union. It also provides for a bilateral meeting once a year.

But, Madam President, the dissolution of the Soviet Union has made this agreement an anachronism. In my view, the administration should renegotiate this agreement with each of the new states of the former Soviet Union. Priority should be given to those states with unsafe nuclear reactors on their territory.

The United States should begin immediately to negotiate agreements on peaceful uses of nuclear energy with Estonia, Latvia, and Lithuania. These agreements could form the basis of bilateral working groups that would conduct comprehensive studies of the hazards associated with these reactors. These bilateral working groups should meet on a continuing basis.

Madam President, I am delighted that President Bush has joined France and Germany in calling for serious attention to unsafe reactors at the Munich G–7 meeting, and giving this effort a special priority. I will continue to raise these issues until they are resolved and the world is protected from unsafe Soviet reactors.

I ask unanimous consent that articles from the Los Angeles Times, the St. Petersburg, FL, Times, the Minneapolis Star-Tribune, the Kansas City Star, Agence France-Presse, and the Washington Post be printed in the RECORD.

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

[From the Los Angeles Times, May 5, 1992]

SOVIET HEIRS, U.S. OK NUCLEAR CUTS

(By Norman Kempster)

Clearing the way for ratification of the most comprehensive arms control agreement of the Cold War era, Secretary of State James A. Baker III and senior officials of the four nuclear-armed states of the former Soviet Union signed an agreement Saturday that makes Russia the lone successor to Moscow's atomic arsenal.

The signing ceremony, carried out in an eerie near-silence in an ornate hotel ballroom, requires Ukraine, Kazakhstan and Belarus to eliminate the strategic nuclear

weapons on their territories during a seven-year period set by the Strategic Arms Reduction Talks treaty to accomplish a one-third cut in superpower nuclear stocks.

The START pact was signed last July by President Bush and then-Soviet President Mikhail S. Gorbachev but was stalled since then by the messy breakup of the Soviet Union. More than nine years in the making, the treaty once appeared to be unrealistic, even visionary. But now Washington and Moscow are ready to start talking about far greater reductions.

Ever since the Soviet Union disintegrated in December, the U.S. government has been trying to cobble together the protocol signed Saturday by Baker, Russian Foreign Minister Andrei V. Kozyrev, Ukrainian Foreign Minister Anatoly Zlenko, Kazakh State Counselor Tulegen Zhukeyev and Belarus Foreign Minister Peter Kravchenko.

Although the disputes seem arcane, the final agreement was so delicately balanced that Baker imposed a rare gag order on the signing ceremony. A senior State Department official hinted that the U.S. side was concerned that if anyone said anything controversial at the ceremony it might reopen the contentious negotiations.

Another senior official said the problem was primarily one of assuring Ukraine, Kazakhstan and Belarus that they were being taken as seriously as giant Russia.

"We had to deal with the sensitivities and political status of emerging states." the official said.

The pact was signed in five languages, including the seldom-used Belarussian tongue, in another bow to new nationalistic sensibilities.

In return, Ukraine and Kazakhstan, now the world's third- and fourth-most-powerful nuclear powers, agreed to eliminate all of the weapons on their territory and join the Nuclear Non-Proliferation Treaty as non-nuclear states. Belarus, which has only a handful of nuclear weapons, agreed to do the same.

In a written statement issued after the ceremony, Kozyrev suggested that Russia would delay the START ratification until the other three republics join the non-proliferation treaty. Baker clearly was not pleased by the development, but the U.S. side decided not to let it upset the protocol.

A senior official said that Washington will urge Ukraine, Kazakhstan and Belarus to accept limits set by the non-proliferation treaty as soon as possible, thus eliminating Russian concerns.

"The situation may not arise, and we will face it at the time it does," the official said. Nevertheless, Kozyrev's written comments were the sort of thing Baker wanted to keep from being said at the ceremony.

In his own written statement, Baker said that START, and the new protocol, "significantly lowers the risk of nuclear war by radically reducing strategic offensive arms and enhancing strategic stability."

As each of the five ministers signed his name on each of the five documents, each appeared to be unaccustomed to sitting in silence in front of waiting reporters. Kozyrev stared at the press corps and placed a hand over his eyes. Baker held up crossed fingers on each hand.

Baker and Kozyrev plan to meet today to start negotiating even deeper cuts in nuclear arsenals than required by the START treaty. Both Bush and Russian President Boris N. Yeltsin have already suggested major reductions, but they are far apart on details. Yeltsin is scheduled to visit Washington on June 16 and 17 for a summit that may be dominated by talk of arms reduction. Zhukeyev, in Washington last week with Kazakh President Nursultan Nazarbayev, accompanied Baker on a U.S. Air Force jetliner from Washington to Lisbon. Talking to reporters aboard the plane, Zhukeyev said his government must now convince its people that Kazakhstan will be safe without the nuclear arms stationed there.

He said Kazakhstan determined that it did not need the weapons after six of the 11 members of the Commonwealth of Independent States agreed to a mutual defense pact earlier this month. Moreover, he said, Baker reiterated a 24-year-old U.S. pledge to support any non-nuclear power coming under nuclear attack. The commitment, issued at the time the non-proliferation treaty was signed, does not specifically require U.S. military action.

The five foreign ministers were in Lisbon to attend a conference to coordinate aid to the former Soviet Union. The meeting attracted more than 60 top officials from such First World aid givers at the United States and Japan to such financially strapped governments as Egypt and Romania.

Although proceedings of the conference, which continues today, were secret, Baker's opening speech was made public. The secretary of state proposed three new U.S. initiatives, including a $25-million program to improve the safety at the 37 nuclear power reactors scattered across the territory of the former Soviet Union in an effort to prevent accidents like the 1986 reactor fire at Chernobyl in Ukraine.

"The dangers of Chernobyl are real, and this initiative aims to reduce the risk of accidents at Soviet-designed nuclear reactors by addressing safety deficiencies of those reactors as soon as possible," Baker said.

Baker also said the United States is ready to copy a European Community plan for selling donated food on the free market, using the receipts from such sales for social programs. The objective is to stimulate market economics while raising money for much-needed welfare. He also promised additional U.S. funds to help the former Soviet republics convert their industry from military to peacetime pursuits.

The conference was called to review the progress of humanitarian programs launched after a similar meeting in Washington in January.

Baker also called on all nations attending the conference to "use whatever influence you have" to deter Serbian aggression against its neighbors in the now collapsed Yugoslavia.

"Every attempt at peace has been blocked, and now we are witnessing human suffering on a terrible and massive scale," Baker said. "No longer should the international community tolerate this barbarity, this affront to our collective conscience."

He did not suggest specific measures beyond the ones he announced Friday-closing Serb-controlled Yugoslav consulates in San Francisco and new York, breaking all contacts with the Yugoslav army, permanently withdrawing the U.S. ambassador from Belgrade and refusing to recognize Serbia and its ally, Montenegro, as the legal successor to the Yugoslav state.

But Klaus Kinkel, Germany's new foreign minister, told reporters after a meeting with Baker that the European Community is considering a trade embargo and other economic steps to "close down" the Serbian economy. He added that he would support an oil embargo.

Luxembourg Foreign Minister Jacques Poos reportedly said the United States and the European community are considering a request to the U.N. Security Council for a military force to protect the airport at Sarajevo, the capital of Bosnia-Herzegovina.

[From the St. Petersburg Times, May 24, 1992]

NEW CHANCE FOR NUCLEAR INDUSTRY

Given the pressing economic needs at home, other countries' nuclear messes may seem a remote concern. The bills for our own toxic cleanup are still being tallied; no one really knows what it will cost to restore the sullied land and water around U.S. military bases, weapons plants and nuclear power facilities.

Environmental hazards respect no boundaries, though, and other people's messes are rapidly becoming our own. For instance, as the New York Times reported recently, there are 16 Chernobyl-type reactors now providing about half the nuclear power used by former territories of the Soviet Union. Nuclear plants of various types provide 12.2 percent of the electricity there, plus 50 percent of Hungary's power, 35.7 percent of Bulgaria's and 28.4 percent of Czechoslovakia's. If global safety standards were to be adopted by an international convention, as Germany has proposed, most nuclear reactors in the former Soviet Union would have to shut down.

A recent power plant leak near densely populated St. Petersburg, Russia, reminded the world that Chernobyl was a warning symptom, not a fluke. The poor designs and shoddy materials that marked the Soviet approach to industry are more than just a sad cliche when potential atmospheric disaster is at issue.

A group of seven technologically advanced nations, led by France and Germany and including the United States, has been working toward a solution that would help Eastern Europe while creating jobs. Each government would bear some fiscal responsibility for the project, estimated to cost $10- to $20-billion. International agencies such as the World Bank and the European Investment Bank would also be asked to contribute. In return, countries with nuclear power technology and supplies for sale would gain access to new markets.

Fearful of criticism at home, President Bush has missed vital opportunities to help direct economic change in Eastern Europe. He has also lacked willingness to co-operate on international approaches to environmental issues. In the meantime, other leaders are capitalizing on a basic lesson the U.S. seems to have forgotten—that one industry's expensive mistake can lead to another's profitable solution.

[From the Minneapolis-St. Paul Star Tribune, May 24, 1992]

PLAN AIMS FOR SAFETY OF NUCLEAR REACTORS

President Bush and the leaders of the other six major industrial democracies are expected to endorse a multibillion-dollar plan for improving the safety of nuclear reactors in the former Soviet Union and Eastern Europe at their economic summit meeting in early July in Munich, Germany.

The plan, which is being prepared with advice from the International Atomic Energy Agency, would provide for refitting of some reactors with more modern safety features, the closing down of those considered too unsafe to be worth saving and the provisions of

alternative sources of electricity, including supplies from Western Europe, accordance to diplomats and agency officials.

Estimates of the cost of such a program, which is designed to prevent another nuclear catastrophe like the one at Chernobyl, vary from $10 billion to $20 billion. The idea is to find this money over several years from a number of sources, including direct government grants, guaranteed government loans and loans from such development institutions as the World Bank, the European Bank for Reconstruction and Development and the European Community's European Investment Bank.

The so-called Group of Seven countries—the United States, Canada, Britain, France, Germany, Italy and Japan—first expressed concern about the safety of nuclear reactors in east Europe and the Soviet Union at their 1989 Paris meeting, three years after the Chernobyl disaster.

Last year, at their London meeting, they urged Western countries to help raise safety standards in the former Communist world. After the appeal at the London meeting, the so-called Group of 24, a body set up by all Western industrialized countries to coordinate aid to the former Communist world, created a special working group to examine the nuclear safety problems in cooperation with the Brussels Commission of the European Community.

But while this led to several Western governments offering help to eastern European countries to make their reactors safer, officials at the atomic energy agency said the aid is uncoordinated, duplicative and far less effective than the program they expect to be approved at the Munich meeting.

Officials of the atomic energy agency said such a program for the former Communist world's nuclear power industry would be attractive for U.S. and European nuclear companies, which are starved for new orders because of environmental opposition to nuclear power and the fact that the low price of oil and gas currently makes nuclear-generated electricity relatively expensive.

France, which has invested more heavily in nuclear power than other industrialized countries, is especially eager for contracts to upgrade eastern Europe's reactors. But Germany's nuclear industry has been hit as well by that country's ecological movement.

Germany and France are leading the drive for the program, warning that another nuclear disaster like the one at Chernobyl would deal a devastation blow to public confidence in nuclear power around the world and further cripple the West's nuclear industry.

Experts say that shutting down the former Communist world's Soviet-designed power reactors temporarily to make them safer or closing these plants altogether will be difficult to organize because these countries are heavily dependent on nuclear-generated electricity.

Hungary gets 50 percent of its power from nuclear reactors, while Bulgaria gets 35.7 percent, Czechoslovakia 28.4 percent and the territories of the former Soviet Union 12.2 percent.

The territories of the former Soviet Union have 16 large graphite reactors of the kind that exploded at Chernobyl. The atomic energy agency considers the safety of these reactors "a matter of great international concern."

Reactors of the type use at Chernobyl provide 47.8 percent of the nuclear-generated electricity in the countries of the former Soviet Union.

The continuing deficiencies of these reactors were highlighted a few weeks ago when a reactor of this type near the major Russian city of St. Petersburg sprang a leak that resulted in a small quantity of radioactive material escaping into the atmosphere.

[From the Kansas City Star, May 24, 1992]

U.S. PLANS A WAY TO CUT RUSSIAN REACTOR RISK—$20 MILLION PROPOSAL INVOLVES SAFETY TRAINING FOR NUCLEAR WORKERS

LISBON, Portugal.—With the Chernobyl disaster in mind, the United States on Saturday introduced a $20 million proposal to reduce the risk of nuclear reactor accidents in Russia and Ukraine and invited other nations attending an international aid conference to join.

"The dangers of Chernobyl are real," Secretary of State James A. Baker III told officials from 63 countries assembled to help the newly independent states that emerged from the collapse of the Soviet Union.

"For each of these new states, their peoples and their leaders, the path of reform has not and will not be easy," Baker said.

"They recognize that the success of freedom is in their hands, not ours, and they have not asked for charity," Baker added. "Rather, they have asked for our partnership and our help."

Reports prepared for the conference described huge problems in the republics in food production and distribution, health care, housing and the setting up of private companies.

To guard against a recurrence of Chernobyl, Baker said regional training centers would be established in Russia and Ukraine to provide training in safety procedures and equipment.

"We hope others will join in this effort to meet what is clearly a problem with global ramifications," Baker said.

The 1986 Chernobyl disaster forced more than 100,000 people to leave their homes in Ukraine and Belarus because of contamination.

The official death toll was 32. But some Ukrainian doctors and environmental activists say at least 250 people have died and the toll could reach 10,000, counting deaths from cancer and other radiation-related diseases.

There are 37 nuclear reactors in the former Soviet Union. The United States will encourage officials to shut down those that are unsafe, but the others can be improved, Baker suggested.

On another nuclear front, the United States, Japan, the European Community and Russia on Sunday were to initial an accord providing $75 million for an International Science and Technology Center in Moscow. The center is to steer thousands of nuclear scientists away from military to civilian projects.

The West has been concerned that the collapse of the Soviet Union would lead to the spread of nuclear weapons technology.

The United States and other donors were meeting with the former Soviet states to assess the effectiveness of emergency aid sent since the first such session in Washington in January.

Aid to the former Soviet republics, either already given or pledged, to date totals some $90 billion dollars. Most of that has been sent by Europe, with Germany footing the lion's share.

Saturday, Baker announced a U.S. proposal to develop food markets in the new nations and to assist them in converting war plants to civilian pursuits.

The United States will contribute $15 million to the project, Baker said, on top of $165 million in previously announced food grants.

Additionally, the United States and Turkey jointly will provide financial advisers to the central Asian and Trans-Caucasian countries to help them develop a banking system.

[From the Agence France-Presse, May 23, 1992]

GERMANY CALLS FOR G7 AID FOR EAST EUROPEAN REACTORS

TOKYO, May 23.—Germany has called on the Group of Seven (G7) industrialised nations to extend seven billion dollars in aid to secure safety at dilapidating nuclear reactors in eastern Europe, it was reported Saturday.

Germany wants to see the proposal accepted by the other G7 nations—Britain, Canada, France, Italy, Japan and the United States—at their annual summit in Munich in July, the Jiji Press news agency quoted Japanese government sources as saying.

But because of the huge amount of money involved and relatively short notice, Japan will just be able to express at the summit its readiness to train 1,000 nuclear engineers from the former Soviet Union and east European nations over 10 years, the sources said.

Japan will also offer technical aid to construct a few training centers for safety at nuclear plants to be built in Russia, Ukraine and elsewhere, the sources said.

The proposed seven billion dollar aid package would include one billion dollars for emergency spending on the installation of alarm systems and safety education, and six billion dollars on longer-term repair projects, Jiji quoted the sources as saying.

There are 62 nuclear reactors in the former Soviet Union and east European nations.

Half of them are outmoded without adequate safety measures and are expected to be shut down or scrapped in five years, Jiji said.

Meanwhile, the economic newspaper Nihon Keizai Shimbun said Saturday that the G7 summit was expected to agree on a proposal to close unsafe 26 reactors in the former Soviet Union and eastern Europe.

Major G7 nations are to extend some 800 million dollars in a grant to secure safety in the process of closing these reactors, the newspaper quoted Japanese government sources as saying.

[From the Washington Post, May 22, 1992]

G-7 EYES AID FOR EX-SOVIET NUCLEAR PLANTS; EFFORT SEEN COSTING BILLIONS OF DOLLARS

(By Steven Mufson)

Only weeks after unveiling $24 billion worth of aid for Russia, the Group of Seven industrial nations are starting to discuss the most vital piece missing from the package: help for potentially dangerous nuclear reactors in the former Soviet republics.

Among the reactors now operating are 13 identical to the one in Chernobyl, Ukraine, that was involved in the most serious accident in history. In 1986, a pressure tube failure blew apart the radioactive core at the Chernobyl unit. At least 30 people died and thousands of others may have been contaminated with radiation.

Fixing or replacing the Soviet-built reactors could cost $6 billion to $8 billion, according to Jonathan C. Brown, the World Bank's division chief for infrastructure, energy and environment.

Ivan Selin, chairman of the U.S. Nuclear Regulatory Commission, has said the price tag could eventually climb to $20 billion.

Private estimates run even higher. The engineering firm Asea Brown Boveri Ltd. has sent engineers to inspect some of the plants,

and the firm's executive vice president, Eberhard von Koerber, has estimated that it could cost $50 billion to rehabilitate, decommission and replace dangerous plants in the former Soviet republics.

Even if the major economic powers put together an aid program, Selin has said, it could take five to 10 years to close nuclear power plants that Brown Boveri's von Koerber says "should be shut down at once." During that time, world leaders essentially will be taking a gamble by betting that Soviet-built reactors can keep running for several years without creating another environmental catastrophe.

"It is a very dangerous situation," according to Selin. "One should be very, very concerned."

Prodded by nuclear experts and European nations, Group of Seven officials are doing what U.S. Treasury officials call "technical level" work on how a program could make former Soviet nuclear generators safer. The subject will be high on the agenda when G-7 leaders meet in Munich in July.

But the G-7 is still far from an agreement, say officials here and in Europe. Moreover, financial limitations on the former Soviet republics, as well as strains on aid donors, will prevent extensive immediate action. Western nations—which are already struggling to scrape together money to meet commitments earmarked for ruble convertibility, Russian food imports and economic stabilization—have not yet made any allowances for the nuclear facilities.

Germany is leading an effort to get Western cooperation on improving nuclear safety in Russia. One possibility is that specific Western nations would "adopt" one or more nuclear plants and provide money and expertise to make them safer.

Sweden is already helping Lithuania upgrade its plants. The European Community is funding the rehabilitation of two Soviet-built nuclear reactors in Bulgaria.

The World Bank's Brown said that it would cost about $1 billion just to improve the expertise of technicians and the operation of the plants.

But the report by Brown Boveri says the Chernobyl reactor model "suffers from severe safety deficiencies" that "must be attributed to bad reactor design rather than to human error." Brown Boveri's chairman, Fritz Leutwiler, has called the Soviet nuclear plants "time bombs" and Sweden's prime minister has said the Chernobyl-style plants "should be closed down—yesterday."

Without outside help, the former Soviet republics lack the money to fix the plants. "They are on our agenda, but it is terribly expensive," according to Yegor Gaidar, deputy prime minister of Russia and architect of its economic program. "This year it will be impossible to touch them."

Shutting down Soviet nuclear plants would deal another blow to the already ailing economies in the republics. "We have a gigantic conflict of interest," said von Koerber of Brown Boveri, "between what is absolutely necessary from a human safety and environmental point of view versus economic and political stability."

The economic downturn in Russia and other areas of the former union could make it less disruptive to shut down aging nuclear plants. Overall, the former Soviet republics rely on nuclear power for 12 percent of their electricity needs; economic output fell by more than that last year alone.

But certain regions still rely heavily on nuclear power. Brown of the World Bank said Lithuania gets 40 percent of its electricity from nuclear generating plants and Ukraine gets 25 percent.

"It's impossible to shut down" St. Petersberg's Chernobyl-style nuclear power plant, the city's mayor Anatoly Sobchak said. "It generates 60 percent of the power we consume and if we shut it down we'll have to shut 50 percent of the city's business."

NRC Chairman Selin said that any aid package of Soviet-built nuclear plants would largely be made up of loans, many of them commercial and others at concessional rates.

The loans would be conditional on the former Soviet republics following certain energy policies, just as aid from the International Monetary Fund hinges on appropriate economic policies. The republics would be expected to take certain safety measures, plow operating profits back into the power plants, raise energy prices, repay the loans and develop an energy plan that would wean them away from the old Chernobyl-style reactors.

The leading items on a nuclear safety program for the former Soviet republics would include:

Shutting down the so-called RBMK plants similar to the Chernobyl unit that blew apart. Thirteen are operating and four others are already closed down. This model "can't be brought up to Western standards and shouldn't be," according to Selin. Selin expects Russia and Ukraine will eventually have to replace 10 to 15 of the plants at about $1 billion each. Total cost: $10 billion to $15 billion.

Training, improved operating procedures, and fire safety measures for plants at a cost of $10 million to $15 million each. Total cost: about $500 million to $1 billion.

Taking safety measures for pressurized water VVER 440/213 plants at a cost of $150 million to $200 million per reactor. The same plants will probably need new steam generators at a cost of $100 million per reactor. There are about 16 of these reactors. Total cost: $4 billion to $5 billion.

Even with safety measures, many of the pressurized water reactors would still not meet Western standards. They lack containment structures that would limit damage in the event of an accident.

Special correspondent Michael Wise contributed to this story from Vienna.

Mr. PRESSLER. I also say of the upcoming conference I shall raise the issue of the use of Landsat photos for studying the warming of the Earth and the importance of studying the warming of the Earth through the use of the archives of the Landsat photos, about 90 percent of which have not been looked at by anybody. We have the facility near Sioux Falls that receives the Landsat data pictures, but we are working to have the archives located there, to have a supercomputer there eventually, but it is now a NASA facility and also a U.N. facility.

We have a vision for the future of that, and I shall be discussing that with some of my colleagues from other countries to see what use these photos might be to them and to the study of the warming of the Earth and to protecting the environment.

Madam President, I yield the floor.

AMENDMENT NO. 1863

(Purpose: To promote programming objectivity and balance)

Mr. INOUYE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1863.

Mr. INOUYE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 11, immediately after line 4, of the Inouye amendment to the committee amendment, insert the following new section:

OBJECTIVITY AND BALANCE POLICY, PROCEDURES, AND REPORT

SEC. 16. Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications act of 1934 (47 U.S.C. 396(g)(1)(A)) "to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature," the Board of Directors of the Corporation shall—

(1) review the Corporation's existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to—

(A) provide reasonable opportunity for members of the public to present comments to the Board regarding the quality, diversity, creativity, excellence, innovation, objectivity, and balance of public broadcasting services, including all public broadcasting programming of a controversial nature, as well as any needs not met by those services;

(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, objectivity, and balance, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants pursuant to clauses (ii)(II), (iii)(II), and (iii)(III) of section 396(k)(3)(A) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)) that it finds necessary to meet the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operations; and

(3) starting in 1933, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2).

Mr. INOUYE. This amendment addresses the way in which the Corporation for Public Broadcasting exercises its authority, to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be

made available to public telecommunications entities, with strict adherence to objectivity and balance in programs or series of programs of a controversial nature," as provided in section 396(g)(1)(A) of the Public Broadcasting Act.

Let me make absolutely clear at the outset that all broadcasting, including public broadcasting, is guided by the principle of localism: Every public broadcaster's first obligation is to the community to which it is licensed, not to Congress not to the CPB. Public broadcast stations have demonstrated their commitment to serving the communities to which they are licensed, both through local and national programming. The stations, not the CPB, not PBS, not NPR, have the sole authority and responsibility to determine what programming will be broadcast.

This amendment does not give the CPB authority to determine what programming stations broadcast. The first paragraph of the amendment quotes from the Corporation's existing authority to underscore that, while the amendment establishes additional mechanisms for assuring accountability, it neither adds to nor subtracts from the substantive authority granted by that provision of the Act.

Subsection (2)(A) expands the opportunities for the board to learn what members of the viewing and listening public think about the public broadcasting services they receive, including their suggestions about how those services might better meet the needs of the American people. This should be an opportunity for all interested parties to address any aspect of public broadcasting services, including whether the presentation of issues of a controversial nature is perceived to be balanced and objective.

Subsection (2)(B) assures that, in addition to giving the public opportunities to present comments to the Board, the Board will form its own judgment about the extent to which national public broadcasting programming serves the needs of the American people and achieves the goals reflected in 396(g).

Prior to establishing this comprehensive policy and set of procedures, the Board is first directed to review the Corporation's existing efforts. To afford an opportunity for consideration of other views, the Board is also directed to solicit the views of the public, which should include members of the public broadcasting community, before finalizing its policy and procedures. Since the Corporation is not subject to the formal notice and comment requirements of the Administrative Procedure Act, the amendment allows informal procedures for soliciting public views, but the final form of the policies and procedures will remain the sole responsibility of the CPB.

Congress does not intend to prescribe any specific policy or set of procedures that the Board must adopt. That determination is left to the Board, with full recognition that, given the CPB's limited resources, the Board must exercise prudent management in adopting any procedures. We expect, however, that the Board will consider various methods of obtaining comment on a regular basis and take whatever steps are necessary to ensure that the opportunity for input is as geographically broad, culturally diverse, and publicly accessible as possible.

Subsection (2)(C) of the amendment is intended to assure that, to the extent that the Board identifies—through the procedures established pursuant to subsections (2) (A) and (B)—areas in which the Corporation could do more facilitate the full development of public telecommunications, it takes those areas into account in awarding certain programming grants.

This provision recognizes that the Corporation's existing authority includes the awarding of programming grants from the radio and television program funds, in accordance with criteria the Corporation may establish. The awarding of grants from these funds is the primary vehicle for addressing the issues raised by the accountability procedure adopted pursuant to this amendment. For example, if the Board's review of national public broadcasting programming or its analysis of public comments reveals a dearth of programs on a particular issue, from a particular perspective, or serving a particular audience need, the Board can direct the Corporation to solicit proposals or fund programs under these programs funds that will fill the hole or correct the imbalance.

This provision also references the national program production and acquisition grant [NPPAG] funds that the Corporation distributes to public radio stations on the condition that they be used to acquire or produce programs that are to be distributed nationally and are designed to serve the needs of a national audience. However, within these constraints, the individual public radio recipients of these funds exercise their own independent judgment as to what national programming best serves the needs of their local communities. The Corporation also permits stations to use their NPPAG moneys to help fund the cost of interconnection to the public radio satellite system.

The Public Broadcasting Act provides that 23 percent of the funds allocated for public radio shall be distributed directly to the stations through NPPAG's. Subsection 2(C) does not affect or alter that provision in any way, nor does it authorize the CPB to distribute any NPPAG funds except in accordance with that statutory allocation or to require stations to produce, acquire or broadcast any particular national programming or type of national programming as a condition of receiving NPPAG grants. In addition, this amendment is not intended to authorize the Corporation to impose restrictions or conditions on the use or expenditure of NPPAG grants different from the types it currently imposes. Rather, the Corporation may provide information, engage in discussions with stations, and advise stations, based on the Board's review of national public broadcasting programming and its analysis of public comment, as to areas of national programming that stations may consider for special emphasis.

Under this subsection, Congress is not requiring CPB to take any particular action and is leaving the determination of what are appropriate steps to the Board. The Board and staff will, of course, be mindful of the necessity of preserving and protecting stations' and national program producers journalistic and editorial independence.

This amendment must be interpreted and applied by CPB in a manner that is consistent with the Constitution and the overall scheme and original intent of the Public Broadcasting Act. Indeed, section 396(g)(1)(D) of the act specifically directs CPB to "carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the public telecommunications entities and systems from interference with, or control of, program content or other activities." In a similar vein, section 398 expressly prohibits any Federal Government "direction, supervision, or control over the content or distribution of public telecommunications programs and services * * *."

Thus, while Congress seeks, through the regular review required by this amendment, to assure that the Board considers the full range of national public broadcasting programming, it is solely for the purpose of enabling the Board to decide how best to direct its resources to facilitate the full development of public telecommunications contemplated by the act, not to take any steps that would infringe upon or chill the editorial freedom of public broadcasters.

Subsection (2)(D) of the amendment directs the Board to "disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature," with a view to enabling those entities to benefit from the Corporation's experience in addressing similar concerns locally. This provision recognizes that local programming decisions are and must remain within the sole discretion of the broadcaster licensed to serve each community. Dissemination of this information by the Corporation is advisory in nature and intended to be helpful to the stations at the local level.

Finally, section 3 of the amendment requires the Board to prepare an an-

nual report summarizing its efforts to implement the procedures required by the amendment, and to submit the report to the President for transmittal to the Congress.

This amendment is not intended to restrict, expand, augment, or in any way alter the scope of the CPB's existing statutory authority, including that authority with regard to objectivity and balance, as that authority has been interpreted by the courts. Rather, it is intended to require the corporation to review its current procedures and to establish additional procedures that will enhance public broadcasting's accountability to Congress and the American people.

Mr. STEVENS. I want to join Senator INOUYE with these comments. A cornerstone of public broadcasting, indeed a cornerstone of broadcasting in general, is a bedrock obligation of each licensee to serve the needs and interests of its local community. It is the licensee that has the ultimate and sole responsbility and obligation, under the Communications Act and the FCC rules, to determine what mix of programming best meets the needs and interests of its local community. Neither Congress nor the Corporation can, at any time, require that a station broadcast any program.

Nothing in this amendment is intended to impair or affect the licensee's existing statutory and regulatory duty and responsibility to determine what programming best meets the needs and interests of its local community. This discretion is essential to enable the nearly 800 public radio and television stations throughout the country to serve the diverse and unique needs and interests of their local communities.

At the same time, I believe that it is incumbent on the Board of the Corporation to establish additional procedures that will enhance public broadcasting's accountability to Congress and to the American people.

Mr. INOUYE. Madam President, our amendment is intended to enhance the responsiveness of public broadcasting to the needs and interests of the American public. In doing so, our amendment also responds to concerns about objectivity and balance in programming funded by the Corporation for Public Broadcasting [CPB] through the radio program fund, the television program fund, and national program production and acquisition grants.

Section 396(g)(1)(A) of the Public Broadcasting Act currently authorizes CPB to "facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature."

Our amendment does not expand, reduce, or otherwise change the scope of CPB's existing authority under this provision or the other provisions of the Public Broadcasting Act. Neither does our amendment authorize the CPB Board to require public radio or television stations to purchase or air any particular program or series of programs. The Communications Act requires every broadcast licensee to serve the needs and interests of its local audience. We do intend to continue to provide protection against intrusion into the editorial discretion of public broadcasting entities.

Our amendment does, Madam President, require the CPB Board of Directors to:

First, review its existing efforts to meet its responsibility under section 396(g)(1)(A);

Second, establish, after soliciting the views of the public, a comprehensive policy and set of procedures to provide reasonable opportunity for the public to comment on public broadcasting services; to review, on a regular basis, national public broadcasting programming; on the basis of such comment and review, to take such steps in awarding programming grants that it finds necessary to meet its responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance; and

Third, starting in 1993, prepare and submit to the President for transmittal to Congress an annual report summarizing its efforts under the amendment.

Madam President, the distinguished Republican leader and other Members of the Senate have expressed deep concern about objectivity and balance in public broadcasting programming. I believe that this amendment will ensure that those concerns and the concerns of the general public will be given appropriate attention by the CPB Board.

Mr. DOLE. Madam President, I wish to associate myself with the remarks of the distinguished senior Senator from Hawaii. I would also like to draw attention to the following points.

First, the members of the Board of Directors of the Corporation for Public Broadcasting [CPB] are appointed by the President with the advice and consent of the Senate. The Board is responsible for the management of CPB and is accountable to Congress for its actions. Our amendment is a directive to the Board to take additional steps to meet its existing responsibility under section 396(g)(1)(A) of the Public Broadcasting Act. Staff can assist the Board in implementing the amendment, but we intend that the members of the Board personally address the issues covered by section 396(g)(1)(A), particularly the need to facilitate objectivity and balance in all programming of a controversial nature.

Second, although the amendment gives the Board considerable leeway in devising ways to solicit public views and comment, we expect the Board to take steps to ensure that the opportunity for public input from various geographic areas of our Nation and from different sectors of our society is substantial. It is important that the Board hear the concerns of Americans who are not part of the public broadcasting community as well as the concerns of those who are.

Mr. STEVENS. Madam President, I concur with the remarks of my good friends from Hawaii and Kansas. I thank them and Senators DANFORTH, HELMS, and SEYMOUR for the time and effort they have devoted to working out this amendment.

Our amendment does not transform the Board of Directors of the Corporation for Public Broadcasting [CPB] into the censor of the public broadcasting community. The Board does not have, and this amendment does not grant the Board, the statutory authority to dictate what public broadcasters, which receive the majority of their funding from a variety of non-Federal sources, put on the air.

The CPB Board does, however, have the ability to determine whether national public broadcasting programming meets the important objectives of section 396(g)(1)(A) of the Public Broadcasting Act, to make available through the expenditure of specified CPB funds programming that meets those objectives, to discuss with public television and radio stations concerns about public broadcasting programming and ways those concerns could be addressed, and to keep Congress informed of its efforts.

With regard to objectivity and balance—two of section 396(g)(1)(A)'s objectives, if the Board determines that available public broadcasting programming has failed to deal with an issue in an objective and balanced way, for example, by ignoring the perspective of one side in a public policy debate, it can take several different steps consistent with its existing authority to help correct this failure. In short, we seek to ensure fairness in the public policy debate in taxpayer-supported public broadcasting.

CPB can award grants from its radio program fund and the television program fund for the production of specific programs to address the views of the groups whose perspective was previously ignored. It can modify its annual statement of program objectives which guides the Public Broadcasting Service in expending funds received from CPB pursuant to the Public Broadcasting Act. In distributing national program production and acquisition grants, it can inform public radio stations of objectivity and balance con-

cerns and recommend ways in which those stations, in developing programming schedules for their local audiences, could address such concerns.

As a long-time supporter of public broadcasting, I hope that public broadcasters—stations and programming services alike—will work in a cooperative fashion with the CPB Board as it moves to implement our amendment, particularly as it applies to concerns about objectivity and balance. Although I have criticized the Board in the past on other issues, it is absolutely clear to me that an active, engaged Board is an essential part of public broadcasting's heat shield. If the American people and Congress come to believe that the Board is not one of the leaders in public broadcasting and is not riding herd on the expenditure of Federal funds, then support for Federal funding of public broadcasting will erode.

Mr. INOUYE. Madam President, I agree with the statements made by Senators DOLE and STEVENS.

APPLICATION OF BALANCE REQUIREMENT

Mr. DOLE. Madam President, there may be some confusion on exactly what funds made available to the Corporation for Public Broadcasting are subject to the existing requirement that all controversial programming must be objective and balanced.

If confusion exists, it should not. The statute is clear. Controversial programming is subject to the requirement whether the funds were derived from discretionary or formula grant funds. It is the legal responsibility of the Board of the Corporation for Public Broadcasting to ensure that the objectivity and balance requirement is adhered to. If the board finds it needs additional authority to successfully enforce the balance standard, this Senator believes the request should be made in the annual report to Congress.

The board cannot simply wash its hands of the legal requirement, for that would be in direct conflict with the law. All programming funds passing through the CPB are subject to the balance and objectivity standard.

Mr. PACKWOOD. Madam President, I would like to reinforce the statement made by Senator INOUYE about the so-called objectivity and balance amendment. Let me emphasize that no new statutory authority is being invested in CPB by this amendment. Let me also emphasize that Congress is not mandating the CPB Board to interfere where it should not be meddling—that is in the first amendment-protected right of public broadcasters to determine what goes on the air.

The Corporation for Public Broadcasting—a private, non-Government agency—was established by Congress to, among other things, insulate the selection of programs from influence by Congress and the executive branch. At the same time, CPB receives Federal funds and, therefore, must be accountable to Congress for the expenditure of those funds.

In recognizing what this amendment does—and perhaps even more importantly, what it does not do—it is useful to review how we have dealt with the tension between CPB's role as a steward of Federal money, on the other hand, and as a heat shield on the other.

Congress has been clear about the ends to which it wants funds for public broadcasting to be put. Congress wants CPB to assist public broadcasting stations to provide the American people with programs of "high quality, diversity, creativity, excellence and innovation." Congress has also directed that this be accomplished while maintaining objectivity and balance in the overall schedule of programs of a controversial nature.

Of equal importance and weight, Congress has said that CPB must carry out its activities "* * * in ways that will most effectively assure the maximum freedom * * * of public telecommunications entities and systems from interference with, or control of, program content* * *"

Nothing we are doing today changes CPB's responsibility to ensure minimum Government interference with the content of programming. We are not tipping the balance or somehow suggesting that CPB should pay more attention to its responsibilities under the objectivity and balance clause than to its responsibility for insulating public broadcasters from program interference.

Under this amendment, CPB cannot tell stations what to broadcast.

This amendment cannot be viewed as a mandate for CPB to dictate its will or editorial judgment to the rest of the public broadcasting system. The first amendment rights of the public broadcasting system must be preserved.

It is only because I believe these rights will be preserved that I am willing to support this amendment.

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

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1863) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1864

(Purpose: To require disclosure of Federal funding of public television programs)

Mr. McCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1864.

Mr. McCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 12, after line 4, insert the following new section:

CONSUMER INFORMATION

SEC. . Prior to the expiration of the 90 day period following the date of the enactment of this Act, the Corporation for Public Broadcasting, in consultation with representatives of public broadcasting entities, shall develop guidelines to assure that program credits for public television programs that receive production funding directly from the Corporation for Public Broadcasting adequately disclose that all or a portion of the cost of producing such program was paid for by funding from the Corporation for Public Broadcasting, and that indicates in some manner that the Corporation for Public Broadcasting is partially funded from Federal tax revenues.

Mr. McCONNELL. Madam President, the Public Broadcasting Act of 1967 established the Corporation for Public Broadcasting. This Government-created private corporation channels Federal funds to public television and radio stations. Over the years, Congress has appropriated some $3.5 billion to finance public broadcasting through the CPB.

I come to the floor today with appreciation and understanding for the many fine public television programs produced with CPB funding and commercial sponsorship. From Ken Burns' "Civil War" to "Masterpiece Theater," CPB has helped to provide high-quality, unbiased programs that are of educational, cultural, and historical value to all Americans.

Nevertheless, there are some rotten apples among public television programs, and Kentuckians are quick to voice their concerns with certain biases or objectional programs they view. Let me tell you what I've heard from home:

Some Kentucky farmers questioned the fairness of "The New Range Wars" which attacked cattle ranchers;

"Tongues Untied" graphically portrayed—and some say propagandized—the homosexual lifestyle;

And, a program entitled "Legacy" called America the barbaric West and celebrated Iraqi civilization.

Some decent folks in Kentucky want to know—and have the right to know—if public television programs they find objectional receive any Federal funding. My amendment will provide this information to public television audiences at the time of a program's viewing.

At the same time, if a program is well done and widely acclaimed, my amendment will make sure the taxpayers get their fair share of credit for

underwriting such a production. After all, if Mobil Corp. and AT&T are acknowledged for their support of a particular program, then the American people should get some credit, too.

My amendment is as simple as it is straightforward. It requires that when all sponsors or underwriters of a particular program are disclosed, the use of Federal funding in the production of that program is also recognized. This amendment gives credit where credit is due: To the hard-working American taxpayers.

While I had originally intended to offer specific language disclosing Federal funding, I decided this task was best left to the CPB, which will determine an appropriate disclosure after consultation with representatives of public broadcasting entities. I want to emphasize that I expect the Corporation to require the Federal funding disclosure on all productions that are directly funded by the CPB. It is my understanding that there are other instances when CPB requires and receives credit for programs, and I expect that the form of such credit would be consistent with the requirements of my amendment.

Although my amendment leaves it to the CPB to determine the exact wording of the Federal funding disclosure, let me state for the record what I believe is an appropriate, accurate, and unburdened disclaimer.

Again, this language is not required by the amendment I am offering, but will hopefully serve as a guideline for CPB.

What I suggest is: Funding, either in whole or in part, for this program has been provided by the Corporation for Public Broadcasting, a private corporation funded in part by Federal tax revenues.

I want to make it absolutely clear that if my constituents find that the Federal funding disclaimer that CPB develops is inadequate or uninformative, I will assure them that their concerns are addressed. I say to my colleagues that support for this amendment is support for the American people, the very audience CPB is entrusted to serve through public broadcasting.

In closing, I thank the staffers on both sides of the aisle, specifically Toni Cook of Senator INOUYE's staff, and Greg Chapados from Senator STEVENS' staff from working with us. It is my understanding that this amendment has been cleared on both sides of the aisle.

Mr. INOUYE. Madam President, in the spirit of section 317 of the Communications Act, which requires broadcasters to disclose the identity of program funders, this amendment is intended to reinforce that disclosure requirement with respect to program funding provided by the Corporation for Public Broadcasting from moneys appropriated by Congress.

The Corporation for Public Broadcasting is charged with responsibility for developing such guidelines as the Corporation, in consultation with representative public broadcasting entities, believes are necessary to assure adequate disclosure of the source of any direct program production funding provided by the Corporation, on behalf of the American people, from Federal appropriations. For this purpose, it would be sufficient to state that the program is made possible by the Corporation for Public Broadcasting on behalf of the American people. We recognize, however, that different types of program credits may be appropriate for different programs, and agree with Senator MCCONNELL that the statute should not be construed to specify the exact language of the CPB credit.

We are giving the Corporation for Public Broadcasting full flexibility to determine what type of credit will be appropriate in each circumstance. We also recognize the need for the Corporation for Public Broadcasting entities to assure that whatever guidelines it develops are consistent with the program credit requirements that the public broadcasting service has adopted for nationally distributed programs.

Thus, we are not mandating that the program credits contain any specific language or information, nor do we intend to limit in any way the editorial or artistic creativity of producers to satisfy this disclosure requirement in the way that is most appropriate for each program. CPB and interested public television producers and distributors will make the final determination of language that appropriately acknowledges the role Federal funding plays in program financing.

This disclosure requirement applies only to programming funded, in whole or in part, from the Corporation's television program fund, which is, in turn, funded by moneys appropriated by Congress. It does not apply to any programming funded from the Corporation's other sources of revenue or from any other source of federal funds.

As Senator MCCONNELL said, his amendment is not intended to blur the separation between the Federal Government and the Corporation for Public Broadcasting. CPB was expressly created to serve as a heat shield that would provide a buffer between the Federal Government and public broadcasting's first amendment activities. Congress did not intend in 1967, when it enacted the Public Broadcasting Act, nor does it intend by this amendment, to undermine public broadcasting's journalistic independence or freedom from governmental influence—whether perceived or actual.

In developing disclosure guidelines, we expect the Corporation for Public Broadcasting to be sensitive to the need to avoid any perception that public broadcasting is in any way a Federal Government enterprise. The Corporation should be careful not to specify credit wording that could, in any way, be misconstrued by viewers to mean that the program they have just seen was in any way influenced by the Federal Government. While CPB is funded, in part, by Federal tax revenues, it is not a Government agency, and great care must be taken to preserve the impression, as well as the fact, that programs aired on public television stations are free of Government interference or control.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Kentucky yield his time?

Mr. MCCONNELL. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1864) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I am pleased today to emphasize my strong support for S. 1504, the Public Telecommunications Act of 1991. I applaud the Senator from Hawaii [Mr. INOUYE] for his tenacity in working through the many objections to bringing this important bill to the Senate floor for a vote.

When my constituents heard that public broadcasting may be in jeopardy, I received several letters and phone calls in support. A good example is a letter here from my constituent, Bernadine Whiting of Evanston, who says:

> (Those who oppose the CPB bill) say cable TV can provide this. I do not know because I can not afford cable and neither can most of the senior citizens I know. For that matter, the unemployed and the underemployed can't afford cable either. But all of us need Channel 11-type broadcasting programming to be intelligent voters.
>
> However they vote, people vote more intelligently because we have public TV.

Another constituent, Mrs. Mary Clark, writes:

> We need Channel 8 with its educational, cultural and quality of life programs. Such programs as Sesame Street and Mr. Rogers Neighborhood are so beneficial to children. And where could adults hear and see such programs as Great Performances, Masterpiece Theater, NacNeil-Leher, and many more, except on PBS?

I second these and other such testimonials expressed by my constituents. Unquestionably, public broadcasting fills a gap left by network and

cable TV. Public broadcasting's role in presenting programs that are not available elsewhere cannot be easily filled by any other entity. In this age of TV's appealing to the lowest common denominator, public broadcasting succeeds in broadening, edifying and challenging its viewers, and influencing the television medium itself for the good.

In the past, I have expressed concerns about the direction of public broadcasting, but my reasons are quite different from many of my colleagues. My concerns arise out of a desire to strengthen and improve the system. I am concerned that the system's increasing reliance on corporate and Government contributions is influencing programming decisions because programmers have strong reasons to hold their fingers to the underwriting wind. This is, however, an issue I will address in a later day.

On the issue of the Independent Television Service [ITVS], I believe we need to give the service a chance to prove itself before we start tinkering with or eliminating its program. ITVS has the potential to bring innovative, diverse television programming that furthers the goals of public broadcasting. In looking through the list of grant recipients, it is evident great care was taken to select programs representing minority groups and points of view that are not adequately represented in the media. More clearly needs to be done in this area; recent events only underscore this need.

In conclusion, I urge my colleagues to support public broadcasting: Allow it operate freely and without Government restraint. I further urge my colleges to give ITVS a chance to fulfill its potential. The Nation has so much to gain if we do.

Let me just add that I have had the privilege this session of Congress to serve on the Select Committee on Indian Affairs, and I have come to appreciate, even more, the contributions that the senior Senator from Hawaii has made to this country. This is certainly one of those.

Madam President, I ask unanimous consent to have printed in the RECORD a column by Clarence Page of the Chicago Tribune.

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

[From the Chicago Tribune, May 20, 1992]

QUALITY MAKES PBS WORTH WATCHING—AND WORTH FUNDING

(By Clarence Page)

Laurence Jarvik wants you to know he has nothing against "Sesame Street."

Ever since he was quoted in The New York Times as saying the show has no more redeeming social value than "Underdog," his office at the conservative Heritage Foundation, where he is a resident scholar, has been getting unkind mail from Big Bird defenders who compare him to something lower than Oscar the Grouch.

It's part of the price he pays as an important deep thinker behind the battle by conservative senators that blocked funding for the Public Broadcasting System all winter.

But he doesn't really want to "destroy PBS," he insists. "I want to buy a share in it."

Shares? Stocks? Could PBS eventually stand for the Profit-making Broadcast System?

Yes, says Jarvik, who thinks it's already on the way, since "Sesame Street' toys alone are a million-dollar industry. He believes there are enough people who believe in quality television who would support such a network, even if it did not make profits that would even come close to matching those of the commercial networks.

He really believes this.

Not only that, he has other people on Capitol Hill believing it too. He has provided important ammunition for Sen. Robert Dole (R-Kan.) and a group of his colleagues who have been keeping an oddly low profile on this hot potato while holding up the latest PBS funding authorization bill. Small wonder they're running for the tall grass. Would you want to be known as the politician who plucked Big Bird?

Their criticisms: PBS is too expensive, too liberal, too elitist, too redundant of the choices offered by cable channels and, in an interesting argument for conservatives to make, too many people are making too good a living off it.

Respectfully, I disagree.

But first, full disclosure: It's no secret that, in addition to my column writing, I am a regular contributor to "The MacNeil/Lehrer Newshour" and an occasional panelist on "The McLaughlin Group," among other PBS appearances that included, significantly, a well-received documentary on the black conservative movement which PBS broadcast in February. (It's also scheduled for rebroadcast in August. Check your local listings.)

Elsewhere in my checkered career, I was a documentary producer and news reporter on a major network television station in Chicago. So, I have nothing against the free market. I encourage it.

Nevertheless, as the network priority shifts that followed the corporate takeovers in the '80s illustrate, the pressures to make a profit are more likely to result in a "Wheel of Fortune" than a "Masterpiece Theater."

At the risk of sounding like PBS boilerplate or, worse, a pledge drive, I think it's worth the dollar-or-so per citizen per year it costs to offer those who cannot afford cable at least one network that has public service, not private profit, as its mandate.

The expense argument is laughable when you compare the $1.1 billion that PBS is seeking for its next three years of operations (slightly more than the Pentagon now spends on military bands) to the $2.9 billion a Senate committee recently approved for just two Seawolf submarines that the Bush administration wants to cancel.

True, cable is coming along, but I keep switching back to PBS for grand programs like "The MacNeil/Lehrer Newshour," "Nova," "Nature," "The American Experience," "Frontline" and "Live from Lincoln Center" that cable cannot yet match in quality and that the commercial network stations, guided by their own free-market imperatives, choose not to even try to match.

How about the "too liberal" argument? "The fact that the PBS prime-time schedule features election specials by Bill Moyers and William Greider, two liberal Democrats, without equal time being provided by conservatives, is a violation of both the spirit and the letter of the 1967 Public Broadcasting Act," Jarvik recently wrote.

Well, be wary of anyone who claims to know the "spirit" of any law. The Public Broadcasting Act calls for fairness, but sill allows programs that have a distinct unrebutted point of views. Some challenge prevailing wisdom, liberal and conservative, which should come as no surprise on a noncommercial, alternative channel.

As PBS President Bruce Christensen said on "Nightline," "If you're questioning the status quo, if you're looking at things that are going wrong in society, if you're looking at what the problems and the warts and the difficulties are, you could say that has some kind of political bias."

That's OK. Taking chances and shaking things up in a way commercial stations are reluctant to do is part of what an alternative network should do.

Most of the debate over PBS sounds like the second phase of a conservative culture war that began with Sen. Jesse Helms' (R-N.C.) celebrated attacks on the National Endowment for the Arts, a cynical diversion at a time when Congress is gridlocked over the deficit, unemployment, sagging productivity and other big-ticket problems of our times.

Nevertheless, as long as it takes public money, PBS if fair game for political exploitation. That's OK too. In the end, the quality of its product speaks for itself. If it's worth watching, it's worth defending.

Mr. SIMON. Madam President, I just add that I am one who does not watch television that much. I suppose that is true of most of us in this body, but public television has just made a tremendous contribution to this country. I watch WETA here, and when I am in Chicago, I watch Channel 11. When I am home in southern Illinois, I watch Channel 8, the Southern Illinois University station. You get a breadth of information, and you get in-depth things on public television that, frankly, you just cannot get anywhere else.

I would like to see the day come when public television does not have to have these little 10-second spots that General Motors or ADM has helped to contribute to this. I think, ideally, they should be independent of that kind of need.

But the contribution has been very significant. I add that independent television service is just getting launched. Certainly we should not cut back with any kind of an amendment here. We enriched this Nation—when I say we, it was happening before I was in Congress—when we authorized the Corporation for Public Broadcasting, as well as NPR, I might add.

It is to the credit of the people who initiated it. The last thing we should be doing here is to cut back on that commitment.

I yield the remainder of my time.

Mr. INOUYE. Madam President, I suggest that absence of a quorum, under the previous conditions.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield the Senator from Virginia such time as he may need.

Mr. WARNER. Madam President, I rise in support of S. 1504. American public broadcasting is a national cultural treasure supported by a remarkable public and private partnership.

Public broadcasting has come to symbolize the finest standards of quality in programming in both television and in radio. This Senator is privileged to use it on an almost daily basis, particularly availing myself of those programs relating to news and information.

Public broadcasting, in my judgment, offers the most objective news and information available today. An outstanding example is the MacNeil/Lehrer program, which I tape and review almost without exception everyday.

Further, there are educational and instructional programs that reach 30 million American school children every year. Public affairs programs and cultural affairs programs enliven and enrich our national diet. What public broadcasting offers its viewers is something, in my judgment, that is unmatched anywhere. There is nothing else like it, in my judgment, to be found not only in the United States, but worldwide. It is the only noncommercial alternative that offers educational and cultural programming to numerous households in America.

In the current debate about public broadcasting, we hear again the concerns about political balance and the questions that address the issue of public funding for programs that may be controversial or objectionable. I believes that many people really do not know exactly how public broadcasting works and how it ensures that there is objective assessment in those areas that could be termed controversial or objectionable. Public broadcasting stations are licensed to individual communities, to universities, or to a specific State.

The stations are served by local boards and operate in an atmosphere of strong community responsibility and accountability.

For example, in the recent independently produced program "Tongues Untied," 230, or approximately two-thirds of the country's public television stations elected not to broadcast the program specifically because they found its contents to be presumably objectionable or unacceptable, or both, for their particular viewers. Here is a clear example of local users, how they can perform their own independent—and I express the word "independent"—screening as to what in their judgment is appropriate for their particular geographic area of viewers.

As a public-private venture serving the public interest for more than two decades, public broadcasting continues to work because the public owns this medium.

We live in an age when technology daily continues to increase the resources that provide the news and information we may possess. The availability of this stream of information approaches the Madisonian prescription that in a free state, the people and their government must arm themselves with the power that knowledge—information and facts—alone can provide.

Madam President, I support public broadcasting and I hope that the Senate will adopt this legislation indicating their like support. I wish to comment on the strong courage manifested by the managers of this bill, and I commend them for their management. I hope they are successful.

Madam President, I would like to take this opportunity to thank Mr. Charles W. Sydnor, Jr., for the information he provided me concerning this piece of legislation, and the many Virginians who have contacted me to express their opinions about this legislation before the Senate today.

The PRESIDING OFFICER. The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate returns to the consideration of the pending business, S. 1504, a bill to authorize appropriations for public broadcasting, at 11 a.m. on Wednesday, June 3, it be considered under the following limitation that supercedes the agreement that was previously entered:

That Senator LOTT be recognized to offer, on behalf of himself and Senator HELMS, an amendment to freeze or reduce the funding levels of the bill; that there be 60 minutes on the amendment, with an additional 15 minutes on the amendment, with an additional 15 minutes under the control of Senator MOYNIHAN; that at the conclusion or yielding back of time on the amendment, the Senate proceed to vote on, or in relation to the Lott amendment;

That immediately following the disposition of the Lott amendment, the Senate proceed to vote on the Byrd amendment No. 1859; that the only amendment, remaining in order to this bill, other than the substitute amendment as amended, be the Dole amendment with respect to funding for the Independent Television Service [ITVS] on which there be 1 hour;

That there be 3 hours remaining on the bill, with all of the above-listed time limitations equally divided and controlled in the usual form, and that at the conclusion or yielding back of time, the bill be read for the third time; that all of the preceding occur without any intervening action or debate; that no motions to recommit be in order; and that all aspects of the previously entered agreement remain in place following third reading of the bill.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. There is no objection.

Mr. INOUYE. No objection.

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

The text of the agreement is as follows:

Ordered, That at 11:00 a.m. on Wednesday, June 3, 1992, the Senate resume considerations of S. 1504, a bill to authorize appropriations for public broadcasting, and that it be considered under the following agreement:

Ordered further, That the Senator from Mississippi (Mr. Lott) be recognized to offer, on behalf of himself and Senator Helms, an amendment to freeze or reduce the funding levels of the bill, on which there shall be 60 minutes, with an additional 15 minutes under the control of the Senator from New York (Mr. Moynihan): *Provided*, That at the conclusions or yielding back of time on the amendment, the Senate proceed to vote on, or in relation to, the Lott amendment.

Ordered further, That immediately following disposition of the Lott amendment, the Senate proceed to vote on the Byrd amendment, No. 1859.

Ordered further, That the only amendment remaining in order to this bill be the Dole amendment with respect to funding for the Independent Television Service (I.T.V.S.) on which there shall be 1 hour.

Ordered further, That all the above-listed time limitations be equally divided and controlled in the usual form.

Ordered further, That there be 3 hours remaining on the bill, with 1 hour under the control of the Senator from Kansas (Mr. Dole); 1 hour under the control of the Senator from Hawaii (Mr. Inouye); and 1 hour to be equally divided and controlled in the usual form.

Ordered further, That no motions to recommit be in order.

Ordered further, That at the conclusion or yielding back of time, the bill be read for the third time, that without any intervening action or debate, the Commerce Committee be discharged from further consideration of H.R. 2977, the House companion bill, and the Senate proceed to its immediate consideration.

Ordered further, That all after the enacting clause be stricken and the text of S. 1504, as amended, be inserted in lieu thereof, that the bill be read for the third time, the Senate proceed to vote on passage of H.R. 2977, as amended, and that upon disposition of H.R. 2977, S. 1504 be returned to the Calendar.

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation in permitting this agreement to be entered.

Senators should be aware that pursuant to this agreement, a vote on or in relation to an amendment by Senator LOTT will occur at approximately 12:15 p.m. tomorrow; that it will be followed immediately by a vote on the Byrd amendment, No. 1859; and that there will thereafter be the possibility of the Dole amendment being offered with 1 hour time limitation and then 1 further hour on the bill. So there will be at

least two votes at about 12:15 tomorrow with a possibility of one or two more votes thereafter in the early afternoon.

In view of this agreement, there will be no further rollcall votes today, and the Senate will return to session tomorrow. There will be a period for morning business prior to returning to this bill at 11 pursuant to the agreement.

I thank my colleague, the distinguished Senator from Alaska, and the distinguished manager of the bill, the Senator from Hawaii, for their cooperation in this matter.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

MRS. HELENKA BRICE OF FAIRBANKS, AK

Mr. STEVENS. Madam President, I rise today to say goodbye to a remarkable woman and a good friend: Mrs. Helenka Brice of Fairbanks, AK.

Helenka passed away last Saturday at the age of 83. As a great-grandmother she leaves behind a wonderful family and a legacy as rich and varied as the beautiful State that we all love.

Helenka Brice was a dynamic and caring individual. She did not shy away from involvement in her community and in contributing to the growth and development of the Last Frontier.

With her husband Luther, who passed away in 1987, she founded a construction firm that was instrumental in building the Trans-Alaska pipeline and helping villages throughout Alaska. She was a tough businesswoman who got things done. In political circles she was known as the organizer, the mobilizer of forces.

She was also a kind-hearted woman who was devoted to the arts, literature, and children. Many times those interests converged, and the results were wonderful gifts of literature that she would send to her "adopted granddaughter", particularly my daughter Lily and to other children.

Helenka considered herself a grandmother at-large to these children and set out to introduce them to the wonderful worlds of art, history, and myth. She always sent books that challenged Lily—books that expanded her mind and broadened her horizons.

With these books often came beautiful hand-written letters. In a note written when she was 80, Helenka described to Lily a favorite passage from an Elizabeth Barrett Browning poem.

I want to read Helenka's comments because I believe they capture her spirit better than anything I can say. This is a quote from her letter to Lily when she was 80.

> I always loved the line '[T]he soul's Rialto has its merchandize.' What it says to me is that our mind, our heart, has all sorts of experiences. We each have our own Rialto—our own place to keep our personal merchandise in our hearts and in our feelings. Books, all kinds of books, have their place as somewhat of an explanation to us of other merchandise we have stored in our brain, our heart, our soul. Books are one bit of storage that seem to fit, regardless of their age or their subject matter, into our own Rialto.

I send my condolences to Helenka's large and loving family, to all of her grandchildren, and also to the many people Helenka touched. She will be missed in our State of Alaska for the selfless contributions she made to her community and our State.

IN HONOR OF JUDGE T. EMMET CLARIE

Mr. DODD. Madam President, I rise today to recognize Judge T. Emmet Clarie, who recently retired from the Connecticut Federal court circuit after three decades of hard work and dedication.

Appointed as a Federal judge by President John F. Kennedy in 1961, Clarie earned the reputation as one of the toughest and fairest Federal judges in Connecticut. His long and outstanding record demonstrates his firm belief that people who violate the law should be punished for their crimes. He is well-known for offering no less than a 90-day jail sentence for offenders. "I learned from an old sheriff who ran one of the State jails. He told me men who got 30 days would say they could do that standing on their heads. If they got 60 days, they didn't want any part of it again."

Throughout his tenure, Clarie remained true to his beliefs and principles. He would agonize over each case to guarantee fairness and justice for all. These values he tried to instill in his clerks. Many remember him, fondly, as a father figure from whom they sought professional and personal advice.

While serving on the bench, Clarie never forgot the feelings of uncertainty and apprehension many young lawyers experience and was quick to share his wisdom and expertise with them. Among his colleagues, he was respected and admired for his truthfulness and loyalty to the law.

Prior to being appointed to the Federal circuit, Clarie was an active public servant. As a teacher, a lawyer, and a State legislator, he was committed to serving the people of Connecticut with their best interests in mind, regardless of politics, to the best of his ability. This pledge he carried with him throughout his career.

Clearly, T. Emmet Clarie exemplifies the judicial authority and impartiality that is valued among lawyers and judges today. Those who had the opportunity to work with him will affectionately remember him as a mentor, a public servant, a judge and a friend. Judge Clarie serves as a role model to young lawyers today. His retirement will leave a noticeable void in the Federal court circuit that will be difficult to fill.

I applaud Judge Clarie for his lifetime service to the people of Connecticut and wish him all the best in his future endeavors.

THANKS TO A CONGRESSIONAL FELLOW

Mr. SIMON. Madam President, I would like to commend Maj. Michael H. Gilbert, who has served as a congressional fellow on my Judiciary Committee staff. Major Gilbert is the first active duty Air Force attorney chosen to participate in the Office of Personnel Management's LEGIS Fellows Program.

As many of my colleagues know, this is a program that competitively selects experienced civil servants to work in congressional offices for 6 months or a year. The perspective, experience, and knowledge that these people—who are some of our Government's finest—bring to their work with the Congress are of the greatest value to those Members and committees who participate in the program.

Major Gilbert is a particularly outstanding example of this fellowship program. A 1979 graduate of the U.S. Air Force Academy, he was sent to law school by the Air Force and has served as a criminal trial attorney in Alaska and an assistant professor of law at the Air Force Academy. The Academy then sponsored his master of laws degree at Harvard Law School. He has served as a legislative counsel in the Air Force General Law Division at the Pentagon for 6 months before coming to my office in January.

Major Gilbert quickly became a key member of my staff. I relied upon him in researching and briefing me on controversial issues, such as the detention of Haitian refugees. After a short time, he took the lead, along with our chief counsel, on my introduction of the Hate Crimes Sentencing Enhancement Act of 1992. He also staffed several hearings, including an EEOC oversight hearing and a hearing on employer sanctions for hiring illegal aliens. When we needed someone to handle the complex subject of anticompetitive pricing practices in the petroleum market, we turned to Major Gilbert to analyze the issues. His memoranda and briefings were always exhaustively researched, excellently written, and professionally presented. His counsel has been invaluable.

Major Gilbert's enthusiastic attitude and hard work will be missed. As he returns to the Pentagon, I want to thank him for his significant contributions to public service,and congratulate him on a job well done.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 102-31

Mr. MITCHELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (Treaty Document No. 102-31), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol and three related exchanges of letters, signed at Washington on October 22, 1991. I transmit also, for the information of the Senate, the report of the Department of State with respect to this treaty.

The treaty is an integral part of my initiative to strengthen economic relations with Central and East European countries. The treaty is designed to aid the growth of the private sector in the Czech and Slovak Federal Republic by protecting and thereby encouraging U.S. private investment. The treaty is fully consistent with U.S. policy toward international investment. A specific tenet, reflected in this treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this treaty, the Parties also agree to international law standards for expropriation and compensation; free transfers of funds associated with investments; and the option of the investor to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this treaty as soon as possible, and give its advice and consent to ratification of the treaty, with protocol and related exchanges of letters, at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992.*

CONGRATULATING THE PITTSBURGH PENGUINS

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 304, congratulating the Pittsburgh Penguins on winning the 1992 Stanley Cup, submitted earlier today by Mr. WOFFORD and Mr. SPECTER.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) to congratulate the Pittsburgh Penguins on winning the 1992 Stanley Cup.

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. WOFFORD. Madam President, it's a great day for hockey. Pittsburgh, the city of champions, has done it again. The Penguins have won the 1992 Stanley Cup marking their second consecutive National Hockey League championship.

The June 1 victory over the Chicago Blackhawks culminated 11 consecutive playoff victories. The 1991-92 Penguins season saw a determined team hit its championship stride during the playoff series. Throughout the season and the playoffs, the Penguins showed that they could win by playing a wide open offensive game or a tenacious defensive one. After tragically losing last season's Stanley Cup coach Bob Johnson, this year's Penguins rallied under coach Scotty Bowman to keep the Stanley Cup in Pittsburgh. The city of Pittsburgh and the citizens of Pennsylvania can take great pride in the Penguins two consecutive Stanley Cups.

I am proud today to introduce a resolution expressing the sense of the Senate's appreciation to those in the Penguins organization and their fans who made the dreams of a second Stanley Cup a reality. All of us in Pennsylvania salute this outstanding feat.

Madam President, to use the words of Bob Johnson, it's a great day for the Penguins, for Pittsburgh, and for all of Pennsylvania.

Mr. SPECTER. Madam President, today I would like to congratulate the 1992 Stanley Cup champion Pittsburgh Penguins on their victory over the Chicago Blackhawks last night in Chicago. This win was their 11 consecutive playoff victory, tying the record set 2 weeks ago by the Chicago team. It also allowed the team to successfully defend last year's championship and continue to hold the title of Stanley Cup champions. Back-to-back Wales Conference championships and Stanley Cup championships prove that the Penguins are a team with a team with a firm grasp on the formula for success.

To defend the Stanley Cup is not an easy task. This task was certainly not made any easier by the loss of the Penguins beloved coach, "Badger" Bob Johnson. Shortly after the team visited the White House last summer, Coach Johnson was diagnosed with terminal cancer. Coach Johnson passed away a few months later leaving the Pens without their emotional and inspirational leader. Coach Johnson will be missed, however, he instilled in the hearts of his players and in the hearts of Penguin fans everywhere that each day was a "great day for hockey." This phrase, which Coach Johnson would exclaim every morning prior to the team's prior to the team's practice, is painted on the ice in the Pittsburgh Civic Arena as a tribute to Coach Johnson.

Each team member took Coach Johnson's enthusiasm to heart. It is because of this love for the game, which he instilled in each player, that despite his absence the Penguins were able to repeat as champions of the National Hockey League.

In particular, I would like to acknowledge the accomplishments of the playoffs most valuable player, Mario Lemieux. Anyone who has witnessed number 66's limitless abilities on the ice would agree that he brings to hockey what Michael Jordan brings to basketball. Except Michael Jordan rarely has to accomplish such feats with a broken hand and the entire opposing team tripping, slashing, and hooking him on his way to the basket.

All the other players deserve recognition for their accomplishments: The goalie, Tom Barrasso, for his outstanding play defending the net; Jaromir Jagr for his puck handling wizardry; Kevin Stevens for his hard-nosed offensive performance; Ron Francis for winning all the important faceoffs; and Rick Tocchet and the rest of the team for their quiet and consistent performance at both ends of the ice. The Penguins, who have been known as one of the league's most potent offensive teams, demonstrated a remarkable knack for defensive play as well under the leadership of interim coach Scotty Bowman.

It is with pride that I join my colleague Senator WOFFORD in offering this Senate resolution congratulating the Pittsburgh Penguins for winning the 1992 Stanley Cup. I believe that it is most fitting that on the team's silver anniversary the prestigious silver Stanley Cup should remain in Pittsburgh with the Penguins.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

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S. RES. 304

Whereas on June 1, 1992, the Pittsburgh Penguins won the Stanley Cup which represents the National Hockey League championship;

Whereas winning the Stanley Cup is the culmination of the dedication and efforts of the players, coaches, and owners of the Pittsburgh Penguins;

Whereas the support of all the Penguins fans and the people of Pittsburgh helped make winning the Stanley Cup possible;

Whereas the Pittsburgh Penguins have won two consecutive Stanley Cups; and

Whereas the Pittsburgh Penguins are celebrating their 25th year in the National Hockey League: Now, therefore, be it

Resolved, That the Senate congratulates the Pittsburgh Penguins for winning the 1992 Stanley Cup.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—PRESIDENTIAL MESSAGE—PM 242

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the United States Arms Control and Disarmament Agency Annual Report for 1991.

The report provides information about the nature and significance of treaties signed during the year, the conduct of arms control negotiations, the coordination of treaty implementation procedures, and other activities conducted pursuant to the Arms Control and Disarmament Act, as amended.

The international security environment, which has changed considerably since the submission of last year's report, continues to evolve. Our bilateral arms control agenda, including the START treaty that is reviewed extensively in Chapter 2, continues. At the same time, our efforts to curb proliferation and deal with the regional conflicts have been expanded, and the implementation of the growing number of existing treaties and agreements has become more demanding. The work of arms control, therefore, is expanding.

As our defense program reorders its priorities, our arms control program is doing the same as a consequence of the changed East-West relationship.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992*.

ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 243

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I transmit herewith the Saint Lawrence Seaway Development Corporation's Annual Report for fiscal year 1991. This report has been prepared in accordance with section 10 of the Saint Lawrence Seaway Act of May 13, 1954 (33 U.S.C. 989(a)), and covers the period October 1, 1990, through September 30, 1991.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992*.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 27, 1992, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 870. An act to authorize inclusion of a track of land in the Golden Gate National Recreation Area, California;

S. 2569. An act to provide for the temporary continuation on office of the current Deputy Security Advisor on a flag officer grade in the Navy; and

H.R. 4990. An act rescinding certain budget authority.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills were signed on May 28, 1992, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 9:35 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 bills, each without amendment:

S. 2342. An act to amend the act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, and 383, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq); and

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices, and for other purposes.

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

S. Con. Res. 123. A concurrent resolution authorizing the use of the East Front parking lot of the Capitol for an exhibit by NASA during the period beginning on June 1, 1992 and ending June 5, 1992.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4880. An act to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile; and

H.J. Res. 494. Joint resolution increasing the statutory limit on the public debt.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 177. A concurrent resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale population.

At 2:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 776. An act to provide for improved energy efficiency.

The message also announced that pursuant to section 6010(d)(1)(C) of Public Law 102-240, the minority leader appoints Mr. George Ebersole, of Chicago, IL, to serve as a member from private life of the National Council on Surface Transportation Research on the part of the House.

MEASURES REFERRED

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

H.R. 4880. An act to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile; to the Committee on Armed Services.

H.J. Res. 494. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 177. A concurrent resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 29, 1992, he had presented to the President of the United States the following enrolled bills:

S. 870. An act to authorize inclusion of a tract of land in the Golden Gate National Recreational Area, California; and

S. 2569. An act to provide for the temporary continuation on office of the current Deputy Security Advisor on a flag officer grade in the Navy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3277. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3278. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3279. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the President's seventy-third through one hundred and first special impoundment messages for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, and the Committee on Energy and Natural Resources.

EC-3280. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, the Strategic and Critical Materials Report for the period April through September 1991; to the Committee on Armed Services.

EC-3281. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, notice of the waiver of certain tests in connection with the F/A-18E/F aircraft acquisition program; to the Committee on Armed Services.

EC-3282. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Department of the Navy intends to exercise certain provisions of law providing for the exclusion of the clause concerning examination of certain records by the Comptroller General; to the Committee on Armed Services.

EC-3283. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the fifteenth report on United States costs in the Persian Gulf Conflict and foreign contributions to offset such costs; to the Committee on Armed Services.

EC-3284. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the Office of Thrift Supervision's Annual Consumer Report for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3285. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report on the activities of the Bank for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3286. A communication from the Acting General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Trading With the Enemy Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3287. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Public Housing Child Care Demonstration Program—Program Assessment: First Round"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3288. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3289. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3290. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the operation of the Colorado River for water year 1991; to the Committee on Energy and Natural Resources.

EC-3291. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report of the Council for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-3292. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the proposed water distribution system for a Bureau of Reclamation project; to the Committee on Energy and Natural Resources.

EC-3293. A communication from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the High Plains States Groundwater Demonstration Program Act of 1983 (98 Stat. 1675) to authorize additional appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

EC-3294. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3295. A communication from the Deputy Chief of Staff and Deputy Assistant Secretary of the Interior (Policy), transmitting, pursuant to law, the annual report on the Department of the Interior's progress in implementing section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act for fiscal year 1989; to the Committee on Environment and Public Works.

EC-3296. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of the Department of Agriculture on its hazardous waste management activities for calendar year 1991; to the Committee on Environment and Public Works.

EC-3297. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training under the Trade Act of 1974; to the Committee on Finance.

EC-3298. A communication from the Assistant Secretary of the Treasury (Tax Policy), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to facilitate the administration of the Railroad Retirement and Railroad Unemployment Insurance Acts; to the Committee on Finance.

EC-3299. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the calendar year 1993 Medicare physician fee schedule update and fiscal year 1993 Medicare volume performance standards recommendations; to the Committee on Finance.

EC-3300. A communication from the Chairman of the District of Columbia Retirement Board, transmitting, pursuant to law, personal financial disclosure statements for calendar year 1991; to the Committee on Governmental Affairs.

EC-3301. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report on the implementation of the Single Audit Act for the twelve month period ending January 31, 1992; to the Committee on Governmental Affairs.

EC-3302. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers General Retirement System for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3303. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Reserve System, for the period ending March 31, 1992; to the Committee on Governmental Affairs.

EC-3304. A communication from the District of Columbia, transmitting, pursuant to law, a report entitled "Review of the Receipts and Disbursements of the Office of People's Counsel Agency Trust Fund"; to the Committee on Governmental Affairs.

EC-3305. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on a revision to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3306. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report regarding contracting for the rebuilding of Kuwait; to the Committee on Governmental Affairs.

EC-3307. A communication from the Freedom of Information Act Officer of the International Boundary and Water Commission, United States and Mexico, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information

Act for calendar year 1991; to the Committee on the Judiciary.

EC-3308. A communication from the Freedom of Information Officer of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3309. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3310. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Eisenhower Mathematics and Science Education-State Grant Program; to the Committee on Labor and Human Resources.

EC-3311. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report to the Congress on efforts of the National Center on Child Abuse and Neglect to bring about coordination of the goals, objectives and activities of agencies and organizations which have responsibilities related to child abuse and neglect; to the Committee on Labor and Human Resources.

EC-3312. A communication from the Secretary of Education, transmitting, pursuant to law, Notice of Final Priority for Fiscal Year 1992—Protection and Advocacy of Individual Rights; to the Committee on Labor and Human Resources.

EC-3313. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation, to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Labor and Human Resources.

EC-3314. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Priorities for Fiscal Year 1992—Rehabilitation Short-Term Training; to the Committee on Labor and Human Resources.

EC-3315. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Priority—Transitional Bilingual Education Program and Special Alternative Instructional Program; to the Committee on Labor and Human Resources.

EC-3316. A communication from the Chairman of the Task Force on Environmental Cancer and Heart and Lung Disease, transmitting, pursuant to law, the Eleventh Report of the Task Force; to the Committee on Labor and Human Resources.

EC-3317. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Funding Priorities—Technology, Educational Media, and Materials for Individual with Disabilities Program; to the Committee on Labor and Human Resources.

EC-3318. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the 1992 update of the "Women and Minorities in Science and Engineering" report; to the Committee on Labor and Human Resources.

EC-3319. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Priority—Demonstration Projects for the Integration of Vocational and Academic Learning Program (Model Tech-Prep Education Projects); to the Committee on Labor and Human Resources.

EC-3320. A communication from the Public Printer of the United States, transmitting, pursuant to law, the Annual Report of the Government Printing Office for Fiscal Year 1991; to the Committee on Rules and Administration.

EC-3321. A communication from the Chief of Legislative Affairs of the Department of the Navy, transmitting, pursuant to law, notice of the Department of the Navy intends to offer a certain lease renewal; to the Committee on Armed Services.

EC-3323. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the quarterly Selected Acquisition reports for the quarter ended March 31, 1992; to the Committee on Armed Services.

EC-3324. A communication from the President of the United States, transmitting, pursuant to law, a report stating that the President has declared a national emergency to respond to the threat to the national security created by the actions and policies of the Governments of Serbia and Montenegro, and to issue an Executive Order that blocks all property including bank deposits; to the Committee on Banking, Housing and Urban Affairs.

EC-3325. A communication from the President of the United States, transmitting, a draft of proposed legislation to designate certain lands in the State of New Mexico as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of May 21, 1992, the following reports of committees were submitted on May 28, 1992:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2566: A bill to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness. (Rept. No. 102-287).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendments:

H.R. 2926: A bill to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the Memorial, and for other purposes (Rept. No. 102-288).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. 2798. An original bill to amend the Trade Act of 1974 to remove the Union of Soviet Socialist Republics from the list of countries ineligible for designation as a beneficiary developing country (Rept. No. 102-289).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2079. A bill to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes (Rept. No. 102-290).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2556. A bill entitled "Los Padres Condor Range and River Protection Act" (Rept. No. 102-291).

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. 2532. A bill entitled "Freedom For Russia and Emerging Eurasian Democracies and Open Markets Support Act." (Rept. No. 102-292).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of May 21, 1992, the following executive report was submitted on May 28, 1992, during the recess of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102-5. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Exec. Rept. No. 102-36).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, with Annexes, done at Basel on March 22, 1989, subject to the following understandings:

(1) It is the understanding of the United States of America that, as the Convention does not apply to vessels and aircraft that are entitled to sovereign immunity under international law, in particular to any warship, naval auxiliary, and other vessels or aircraft owned or operated by a State and in use on government, non-commercial service, each state shall ensure that such vessels or aircraft act in a manner consistent with this Convention, so far as is practicable and reasonable, by adopting appropriate measures that do not impair the operation or operational capabilities of sovereign immune vessels.

(2) It is the understanding of the United States of America that a State is a "transit State" within the meaning of the Convention only if wastes are moved, or are planned to be moved, through its inland waterways, inland waters, or land territory.

(3) It is the understanding of the United States of America that an exporting State may decide that it lacks the capacity to dispose of wastes in an "environmentally sound and efficient manner" if disposal in the importing country would be both environmentally sound and economically efficient.

(4) It is the understanding of the United States of America that Article 9(2) does not create obligations for the exporting state with regard to cleanup, beyond taking such wastes back or otherwise disposing of them in accordance with the Convention. Further obligations may be determined by the parties pursuant to Article 12.

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. KERREY:

S. 2793. A bill to suspend temporarily the duty on tefluthrin; to the Committee on Finance.

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

S. 2794. A bill to relieve the regulatory burden on depository institutions, particularly on small depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. FORD, and Mrs. KASSEBAUM):

S. 2795. A bill to place a temporary moratorium on interstate branching by savings associations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2796. A bill to amend the Internal Revenue Code of 1986 to exempt certain passengers from the harbor maintenance tax; to the Committee on Finance.

By Mr. COATS (for himself and Mr. LUGAR):

S. 2797. A bill to require the Secretary of the Interior to conduct a study of a proposed boundary expansion of the George Rogers Clark National Historical Park in Vincennes, Indiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN:

S. 2798. An original bill to amend the Trade Act of 1974 to remove the Union of Soviet Socialist Republics from the list of countries ineligible for designation as a beneficiary developing country; from the Committee on Finance.

By Mr. DECONCINI:

S. 2799. A bill to extend the existing duty free treatment with respect to articles provided by the Max Planck Institute for Radioastronomy to the Steward Observatory; to the Committee on Finance.

By Mr. D'AMATO:

S. 2800. A bill to amend the Immigration Act of 1990 to increase the number of qualified immigrants from certain adversely affected foreign states who may be admitted to the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WOFFORD (for himself and Mr. SPECTER):

S. Res. 304. A resolution to congratulate the Pittsburgh Penguins on winning the 1992 Stanley Cup; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2794. A bill to relieve the regulatory burden on depository institutions, particularly on small depository institutions, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

COMMUNITY BANK REGULATORY RELIEF ACT OF 1992

Mr. DOLE. Mr. President, I am going to be introducing two pieces of legislation. First, along with the distinguished Senator from Utah [Mr. GARN], the ranking member of the Senate Banking Committee, is the Community Bank Regulatory Relief Act of 1992.

I hope that my colleagues on both sides of the aisle will take a look at this legislation, because in the last several months we have heard a great deal about the regulatory burden and the hidden costs imposed on each American by that burden.

President Bush highlighted the problem when he announced in his State of the Union Address a 90-day moratorium on all new regulations and a review of existing regulations and programs to ensure that they do not unnecessarily hinder job creation and growth. To date, this moratorium—extended an additional 120 days—is expected to save $15 to $20 billion per year. That's roughly $225 to $300 per American family, which is no small bit of change.

The legislation I have just introduced picks up on the theme of regulatory burden and applies it to small community banks that in recent years have been inundated with a tidal wave of new and confusing regulatory requirements.

Indeed, during the last decade, we have seen literally hundreds of new statutory provisions imposed on the banking industry and thousands of pages of new regulations promulgated in connection with those provisions. Banking groups estimate that at least 75,000 bank employees are committed to complying with Government regulations at an estimated cost of between $500 million to $1 billion per year.

While a lot of compliance efforts are important to maintaining the integrity, safety, and soundness of our banking system, I suspect that some of that money is needlessly spent on duplicative or unnecessary requirements—money that could otherwise be providing loans, helping business and creating jobs.

Most recently, the Federal Deposit Insurance Corporation Improvement Act of 1991 [FDICIA] was passed into law and since then, I have heard nothing but complaints from small bankers across the country that several of the new requirements are a bad fit for small banks committed to servicing their communities. In short, they see little improvement for themselves or for their customers.

The Community Bank Regulatory Relief Act of 1992 is a step toward relieving small community banks from unnecessary and burdensome regulations that do nothing except drive up the cost of doing business.

For too long, we have been operating under the misguided conviction that all regulation is by definition good. Needless to say, this approach is totally unacceptable, and we must begin to ensure that the "hidden tax of regulation" is no longer permitted to run unchecked.

THE COMMUNITY BANK REGULATORY RELIEF ACT

Title I of the act consists of 11 provisions which specifically address regulatory requirements that unnecessarily burden small community banks.

The first section provides an exemption from the Community Reinvestment Act [CRA] for banks with assets of $100 million or less that are located in towns with 20,000 or fewer residents. This section also provides a CRA safe harbor for banks with assets of $300 million or less if such institutions receive CRA ratings of satisfactory or better. Such institutions would not have to reprove compliance with the CRA for 2 years in such cases. The point of this section is that while the goals of the Community Reinvestment Act are laudable, it is not a particularly good fit for smaller institutions which by definition must serve their communities to survive.

The second section exempts banks with assets of $100 million or less from provisions of FDICIA which require lenders to collect and report extensive information on their small business and small farm lending practices. Instead, the Federal Reserve will be required to conduct a cost/benefit study on this requirement for all institutions.

The third section picks up a provision which has already passed the Senate dealing with compensation standards for bank personnel. Specifically, it clarifies that excessive compensation standards mandated by FDICIA may not establish a level or range of compensation but should rather address general principles for appropriate compensation.

The fourth section deals with certain amendments to the Truth in Lending Act. It provides a sophisticated investor exception to the act, a limitation on borrowers' rights of recession in credit transactions where the error has no material effect on the terms of the loan, and a limitation on class action suits for violations under the act.

The fifth section of the act exempts banks with assets of $1 billion or less that are adequately capitalized from the interbank liabilities provision of FDICIA. There is no need to regulate exposures between banks when those banks are not of sufficient size to threaten the safety of the system and are themselves in solid financial condition.

The sixth provision provides that loans to bank officers, directors and principal stockholders secured by Treasury obligations shall not count toward the aggregate amount or cap under FDICIA that can be loaned to such individuals.

The seventh provision also passed the Senate earlier this year and clarifies that bank regulators and the Resolution Trust Corporation may establish

levels below which certified or licensed appraisers are not required to perform appraisals in connection with federally related transactions. Appraisals add to the cost of home ownership, and it is important that the Federal Government not needlessly add to those costs.

The eighth provision eliminates certain unnecessary requirements imposed by FDICIA that are either duplicative of other safety and soundness requirements or are misleading indicators of an institution's financial condition.

The ninth section imposes a 15-month moratorium on compliance with regulations promulgated under the Truth in Savings Act for banks with assets of $100 million or less. In addition, a cost/benefit study on the application of the act to such banks and their customers is mandated.

Finally, the last two sections of title I deal with an economic analysis of certain new bank regulations and a uniformity and coherence check on existing ones. For too long, the bank regulators have acted as if they were in a vacuum and it is time that their actions—past and present—were carefully scrutinized and coordinated.

Title II of the Community Bank Regulatory Relief Act addresses the problem of lender liability under the comprehensive environmental response, Compensation and Liability Act of 1980 [CERCLA] and the Resource Conservation Act [RCRA]. This title has two major purposes: First, to clarify circumstances under which lenders will be held liable for environmental damage at their borrowers' facilities; and second, to promote sound environmental policy by ensuring access to private capital for business to upgrade their environmental compliance and to help clean up existing contamination.

CONCLUSION

Mr. President, in my State of Kansas, there are 528 banks—311 of which—that's 60 percent of the State's total—have 15 or fewer employees. These banks average just over $17 million in total assets.

If you put the magnifying glass even closer, 211 banks have 10 or fewer employees; 95 Kansas banks have six or fewer employees; and 41 banks have four or fewer employees.

Obviously, Mr. President, we are not talking about Wall Street where a new reporting or procedural requirement has literally dozens or even hundreds of available employees standing by. In most cases, there's only the president of the bank—who doubles as manager, loan processor and teller—to do the work which in turn takes away from his or her ability to make loans and service customers.

If we continue to mindlessly heap on new requirement after new requirement, we will be able to add these small banks—which are so important to small and rural communities—to America's endangered species list.

It's not that this bill will solve all the problems for the small bankers of this country. But it is at least an attempt to get the regulatory pendulum swinging in a different direction. The goal is to ensure that when new compliance standards and reporting requirements are imposed on banks, they make sense for the bank, its customers and the safety and soundness of this Nation's financial system.

Mr. President, I ask unanimous consent that the complete text of the Community Bank Regulatory Relief Act of 1992 and a section-by-section summary of that legislation be included in the RECORD at the conclusion of my remarks.

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

S. 2794

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Bank Regulatory Relief Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—REGULATORY BURDEN RELIEF

Sec. 101. Community Reinvestment Act amendments.
Sec. 102. Data gathering exemptions.
Sec. 103. Clarification of compensation standards.
Sec. 104. Truth in Lending Act amendments.
Sec. 105. Interbank liabilities.
Sec. 106. Aggregate limits on insider lending.
Sec. 107. De minimis exception to real estate appraisal requirements.
Sec. 108. Repeal of overly burdensome regulatory requirements.
Sec. 109. Temporary regulatory compliance moratorium.
Sec. 110. Economic analysis of certain banking regulations.
Sec. 111. Uniform regulations.

TITLE II—SECURED CREDITOR PROTECTION

Sec. 201. Short title.
Sec. 202. Asset conservation and deposit insurance protection.

TITLE I—REGULATORY BURDEN RELIEF

SEC. 101. COMMUNITY REINVESTMENT ACT AMENDMENTS.

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended by adding at the end the following new section:

"SEC. 809. EXEMPTIONS.

"(a) SMALL INSTITUTIONS.—A regulated financial institution shall not be subject to section 804 or any regulations issued thereunder if—

"(1) the main office (and each branch of such institution) is located in a town, political subdivision, or other unit of general local government of a State that has a population of not more than 20,000 persons and which is not part of a metropolitan statistical area; and

"(2) the institution has aggregate assets of not more than $100,000,000.

"(b) SAFE HARBOR PROVISION.—A regulated financial institution shall not be subject to section 804 during the 2-year period beginning on the date that the appropriate Federal financial supervisory agency's written evaluation described in section 807(b) is disclosed to the public if—

"(1) the institution receives a rating of 'outstanding' or 'satisfactory' under section 807(b); and

"(2) the institution has aggregate assets of not more than $300,000,000.".

SEC. 102. DATA GATHERING EXEMPTIONS.

(a) SMALL BUSINESS AND SMALL FARM LOAN REGULATIONS.—Section 122 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1817 note) is amended—

(1) in subsection (a), by inserting "with total assets of more than $100,000,000" before "to annually"; and

(2) in subsection (b), by inserting "with total assets of more than $100,000,000" before "to submit".

(b) SMALL BUSINESS LENDING REPORT.—Section 477 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 251) is amended—

(1) in the first sentence—

(A) by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System"; and

(B) by inserting "provided by financial institutions with total assets of more than $100,000,000" after "information";

(2) in the third sentence, by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System"; and

(3) by adding at the end the following new sentence: "Not later than 2 years after the date of enactment of the Community Bank Regulatory Relief Act of 1992, the Board of Governors of the Federal Reserve System shall conduct and complete a study of the costs and benefits of compliance under this section, including expanding compliance under this section to include financial institutions with total assets of not more than $100,000,000.".

SEC. 103. CLARIFICATION OF COMPENSATION STANDARDS.

(a) TECHNICAL AMENDMENT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) by redesignating section 39 (as added by section 132(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991) as section 42; and

(2) by redesignating section 40 (as added by section 151(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991) as section 43.

(b) COMPENSATION STANDARDS.—Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831s) (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (d), by adding at the end the following; "An appropriate Federal banking agency may not prescribe standards or regulations under subsection (a), (b), or (c) that set a specific level or range of compensation for officers, directors, or employees of insured depository institutions."; and

(2) in subsection (e)(1)(A), by striking "(a), (b), or (c) of this section" and inserting "(a) or (b),".

SEC. 104. TRUTH IN LENDING ACT AMENDMENTS.

(a) SOPHISTICATED CONSUMERS.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding at the end the following:

"(7) Credit transactions involving a consumer who had individual income of more than $200,000 in each of the 2 most recent years, or who, at the time of the transaction, had an individual net worth, or joint net worth with that person's spouse, that is more than $1,000,000.".

(b) LIMITATION ON THE RIGHT OF RESCISSION.—Section 125(e) of the Truth in Lending Act (15 U.S.C. 1635(e)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(5) a transaction, the documentation of which contains an unintentional, bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error, if such error does not materially or substantially alter or affect the terms of the extension of credit.".

(c) ELIMINATION OF CLASS ACTIONS.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking "(i)"; and

(ii) by striking "(ii)" and inserting "(B)"; and

(2) by striking "In determining the amount" and all that follows through "those paragraphs of section 128(a) of this Act." and inserting the following: "Notwithstanding any other provision of law or any rule of Federal civil procedure, an action may only be brought under this section arising from a violation of this Act by an individual aggrieved by such violation. No such action may be brought by or on behalf of a class.".

SEC. 105. INTERBANK LIABILITIES.

Section 23 of the Federal Reserve Act (12 U.S.C. 371b-2) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) APPLICABILITY.—This section shall not apply to exposures between depository institutions if each such depository institution—

"(1) has total assets of not more than $1,000,000,000; and

"(2) is adequately capitalized, as defined in section 38 of the Federal Deposit Insurance Act.".

SEC. 106. AGGREGATE LIMITS ON INSIDER LENDING.

Section 22(h)(5)(A) of the Federal Reserve Act (12 U.S.C. 375b(5)(A)) (as in effect upon the effective date contained in section 306(*l*) of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(1) by striking "(A) IN GENERAL.—A member bank" and inserting the following:

"(A) IN GENERAL.—

"(i) LIMITATION.—A member bank"; and

(2) by adding at the end the following:

"(ii) EXCLUSION OF CERTAIN TRANSACTIONS.—An extension of credit by a member bank shall not be included in or aggregated with the amount of all outstanding extensions of credit for purposes of this subsection, if such extension of credit—

"(I) would meet the collateral and other requirements of subsection (c)(4) of section 5200 of the Revised Statutes (12 U.S.C. 84); and

"(II) would therefore be qualified as an exception to the limitations contained in subsection (a) of that section.".

SEC. 107. DE MINIMIS EXCEPTION TO REAL ESTATE APPRAISAL REQUIREMENTS.

Section 1112 of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each Federal"; and

(2) by adding at the end the following new subsection:

"(b) THRESHOLD LEVEL.—Notwithstanding sections 1113 and 1114, each Federal financial institutions regulatory agency and the Resolution Trust Corporation may establish a level below which a certified or licensed appraiser is not required to perform appraisals in connection with federally related transactions, if such agency determines that such level is in the public interest.".

SEC. 108. REPEAL OF OVERLY BURDENSOME REGULATORY REQUIREMENTS.

(a) REPEAL OF INDEPENDENT PUBLIC ACCOUNTANT ATTESTATION REQUIREMENT.—Section 36 of the Federal Deposit Insurance Act (12 U.S.C. 1831m) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively.

(b) REPEAL OF ASSET VALUATION REQUIREMENTS.—Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831s) (as redesignated by section 103(a) of this Act) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (c), as redesignated, by striking "(a), (b), and (c)" and inserting "(a) and (b)";

(4) in subsection (d)(1), as redesignated, by striking "(a), (b), or (c)" each place such term appears and inserting "(a) or (b)"; and

(5) in subsection (d)(3), as redesignated, by striking "or (b)(1)".

SEC. 109. TEMPORARY REGULATORY COMPLIANCE MORATORIUM.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, and ending 15 months after such date, no regulation issued under the Truth in Savings Act shall be applied with respect to any depository institution that has total assets of not more than $100,000,000.

(b) COST STUDY ANALYSIS.—The Board of Governors of the Federal Reserve System (hereafter referred to as the "Board") shall conduct a full study, including a full cost benefit analysis, on the costs and benefits to each depository institution that has total assets of not more than $100,000,000 and its customers of compliance with regulations issued under the Truth in Savings Act.

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Board shall submit to the President and to the Congress a report of its findings pursuant to the study and analysis conducted under subsection (b).

(d) DEFINITION.—For purposes of this section, the term "depository institution" has the same meaning as in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

SEC. 110. ECONOMIC ANALYSIS OF CERTAIN BANKING REGULATIONS.

(a) STATEMENT REQUIRED.—An appropriate Federal banking agency that certifies, pursuant to section 605(b) of title 5, United States Code, that a proposed or final rule will not have a significant economic impact on a substantial number (more than 20 percent) of all small banks or savings associations, shall publish with such certification a detailed statement that contains—

(1) an explanation of why the rule will not have such economic impact;

(2) an estimate of the number of small banks or savings associations affected by the rule;

(3) an estimate of the costs and benefits to each small bank or savings association of compliance with the rule; and

(4) in the case of a proposed rule, a request for public comments on the economic impact of and the number of small banks or savings associations affected by the rule.

(b) FINAL RULES.—The preamble of each final rule promulgated by an appropriate Federal banking agency and preceded by a proposed rule shall—

(1) specifically respond to comments from the public addressing the economic impact of, or the number of small banks or savings associations affected by, the proposed rule; and

(2) explain whether and how the final rule responds to those comments.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

(2) the term "small bank or savings association" means a bank or savings association (as appropriate) that has total assets of not more than $100,000,000.

(d) JUDICIAL REVIEW.—The provisions of section 611 of title 5, United States Code, shall apply with respect to any statement required by this section.

SEC. 111. UNIFORM REGULATIONS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 44. UNIFORM REGULATIONS.

"Not later than 2 years after the date of enactment of this section, the appropriate Federal banking agencies shall undertake a coordinated review of regulations promulgated by such agencies, and each appropriate Federal banking agency shall ensure that its regulations on any matter, together with its formal or informal interpretations of such regulations, are uniform with the regulations and interpretations of each other appropriate Federal banking agency regarding such matter, except as otherwise provided by law.".

TITLE II—SECURED CREDITOR PROTECTION

SEC. 201. SHORT TITLE.

This Act may be cited as the "Asset Conservation and Deposit Insurance Protection Act of 1992".

SEC. 202. ASSET CONSERVATION AND DEPOSIT INSURANCE PROTECTION.

(a) CERCLA AMENDMENTS.—

(1) IN GENERAL.—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by inserting after section 126 the following new section:

"SEC. 127. ASSET CONSERVATION.

"(a) LIABILITY LIMITATIONS.—

"(1) IN GENERAL.—The liability of an insured depository institution or mortgage lender under this Act or subtitle I of the Solid Waste Disposal Act for the release or threatened release of petroleum or a hazardous substance at, from, or in connection with property—

"(A) acquired through foreclosure;

"(B) held, directly or indirectly, in a fiduciary capacity;

"(C) held by a lessor pursuant to the terms of an extension of credit; or

"(D) subject to financial control or financial oversight pursuant to the terms of an extension of credit,

shall be limited to the actual benefit conferred on such institution or such mortgage lender by a removal, remedial, or other response action undertaken by another party.

"(2) SAFE HARBOR.—An insured depository institution or mortgage lender shall not be liable under this Act or subtitle I of the Solid Waste Disposal Act and shall not be

deemed to have participated in management, as described in section 101(20)(A), based solely on the fact that the institution or lender—

"(A) holds a security interest or abandons or releases its security interest in the collateral before foreclosure;

"(B) has the unexercised capacity to influence operations at or on property in which it has a security interest;

"(C) includes in the terms of its extension of credit covenants, warranties, or other terms and conditions that relate to the borrower's compliance with environmental laws;

"(D) monitors or enforces the terms and conditions of the extension of credit;

"(E) monitors or undertakes one or more inspections of the property;

"(F) requires the borrower to cleanup the property prior to or during the term of the extension of credit;

"(G) provides financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the property;

"(H) restructures, renegotiates, or otherwise agrees to alter the terms and conditions of the extension of credit;

"(I) exercises whatever other remedies at law or in equity may be available under applicable law for the borrower's breach of any term or condition of the extension of credit; or

"(J) declines to take any of the actions described in this paragraph.

"(b) ACTUAL BENEFIT.—For the purpose of this section, the actual benefit conferred on an institution or lender by a removal, remedial, or other response action shall be equal to the net gain, if any, realized by such institution or lender due to such action. For purposes of this subsection, the 'net gain' shall not exceed the amount realized by the institution or lender on the sale of property.

"(c) EXCLUSION.—The limitations on liability provided under subsection (a)(1) and (a)(2) shall not apply to any person that has caused or significantly and materially contributed to the release of petroleum or a hazardous substance that forms the basis for liability described in subsection (a)(1) and (a)(2).

"(d) ENVIRONMENTAL ASSESSMENTS.—

"(1) DEPOSITORY INSTITUTIONS.—The Federal Deposit Insurance Corporation, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations to implement this section. Such regulations shall include requirements for insured depository institutions to develop and implement adequate procedures to evaluate actual and potential environmental risks that may arise from or at property prior to making an extension of credit that involves a security interest in such property. The regulations may provide for different types of environmental assessments in order to account for different levels of risk that may be posed by different classes of collateral. Failure to comply with the environmental assessment regulations promulgated under this subsection shall be deemed to be a violation of a regulation promulgated under the Federal Deposit Insurance Act.

"(2) MORTGAGE LENDERS.—The Federal Deposit Insurance Corporation, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations that are substantially similar to those promulgated under paragraph (1) to assure that mortgage lenders develop and implement procedures to evaluate actual and potential environmental risks that may arise from or at property prior to making an extension of credit secured by such property. The regulations may provide for different types of environmental assessments in order to take into account the level of risk that may be posed by particular classes of collateral.

"(3) FINAL REGULATIONS.—Final regulations required to be promulgated pursuant to paragraph (1) shall be issued not later than 180 days after the date of enactment of this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'property acquired through foreclosure' or 'acquires property through foreclosure' means property acquired, or the act of acquiring property, from a nonaffiliated party by an insured depository institution or mortgage lender—

"(A) through purchase at sales under judgment or decree, power of sales, nonjudicial foreclosure sales, or from a trustee, deed in lieu of foreclosure, or similar conveyance, or through repossession, if such property was security for an extension of credit previously contracted;

"(B) through conveyance pursuant to an extension of credit previously contracted, including the termination of a lease agreement; or

"(C) through any other formal or informal manner by which the insured depository institution or mortgage lender temporarily acquires, for subsequent disposition, possession of collateral in order to protect its security interest,

except that property is not acquired through foreclosure if the insured depository institution or mortgage lender does not seek to sell or otherwise divest such property at the earliest practical, commercially reasonable time, taking into account market conditions and legal and regulatory requirements;

"(2) the term 'mortgage lender' means—

"(A) a company (other than an insured depository institution) that—

"(i) is regularly engaged in the business of making extensions of credit secured, in whole or in part, by property to nonaffiliated parties, and

"(ii) substantially and materially complies with the environmental assessment requirements imposed under subsection (d), after final regulations under that subsection become effective;

"(B) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or other entity that is regularly engaged in the business of buying and selling mortgage loans or interests therein, if such Association, Corporation, or entity requires institutions from which it purchases mortgages (or other obligations) to comply substantially and materially with the requirements of subsection (d), after final regulations under that subsection become effective; and

"(C) any person regularly engaged in the business of insuring or guaranteeing against a default in the payment of an extension of credit to nonaffiliated parties, secured in whole or in part by real property, and extended by a mortgage lender (as such term is defined in subparagraph (A) of this paragraph), or an insured depository institution;

"(3) the term 'fiduciary capacity' means acting for the benefit of a nonaffiliated person as a bona fide—

"(A) trustee;

"(B) executor;

"(C) administrator;

"(D) custodian;

"(E) guardian of estates;

"(F) receiver;

"(G) conservator;

"(H) committee of estates of lunatics; or

"(I) any similar capacity;

"(4) the term 'extension of credit' includes lease transactions that are functionally equivalent to a secured loan;

"(5) the term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act, and shall also include—

"(A) a federally insured credit union;

"(B) a bank or association chartered under the Farm Credit Act of 1971; and

"(C) a leasing company that is an affiliate of an insured depository institution (as such term is defined in this paragraph);

"(6) the term 'release' has the same meaning as in section 101(22), and also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance;

"(7) the term 'hazardous substance' has the same meaning as in section 101(14); and

"(8) the term 'security interest' includes rights under a mortgage, deed of trust, assignment, judgment lien, pledge, security agreement, factoring agreement, lease, or any other right accruing to a creditor under the terms of an extension of credit to secure the repayment of money, the performance of a duty or some other obligation.

"(f) SAVINGS CLAUSE.—Nothing in this section shall affect the rights or immunities or other defenses that are available under this Act or other applicable law to any party subject to the provisions of this section. Nothing in this section shall be construed to create any liability for any party.".

(2) EFFECTIVE DATE.—Section 127 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by paragraph (1)) shall become effective upon the date of enactment of this Act, except that it shall not affect any administrative or judicial claims that have been formally filed as of such date.

(b) FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 44. ASSET CONSERVATION.

"(a) GOVERNMENTAL ENTITIES.—

"(1) BANKING AND LENDING AGENCIES.—Except as provided in paragraph (2), a Federal banking or lending agency shall not be liable under any law imposing strict liability for the release or threatened release of petroleum or a hazardous substance at or from property (including any right or interest therein) acquired—

"(A) in connection with the exercise of receivership or conservatorship authority, or the liquidation or winding up of the affairs of an insured depository institution, including any of its subsidiaries;

"(B) in connection with the provision of loans, discounts, advances, guarantees, insurance or other financial assistance; or

"(C) in connection with property received in any civil or criminal proceeding, or administrative enforcement action, whether by settlement or order.

"(2) APPLICATION OF STATE LAW.—Nothing in this section shall be construed as preempting, affecting, applying to, or modifying any State law, or any rights, actions, cause of action, or obligations under State law, except that liability under State law shall not exceed the value of the agency's interest in the asset giving rise to such liability.

"(3) LIMITATION.—The immunity provided by paragraph (1) shall not apply to any entity that has caused or significantly and materially contributed to the release of petro-

leum or a hazardous substance that forms the basis for liability described in paragraph (1).

"(4) SUBSEQUENT PURCHASER.—The immunity provided by paragraph (1) shall extend to the first subsequent purchaser of property described in such paragraph from a Federal banking or lending agency, unless such purchaser—

"(A) would otherwise be liable or potentially liable for all or part of the costs of the removal, remedial, or other response action due to a prior relationship with the property;

"(B) is or was affiliated with or related to a party described in subparagraph (A);

"(C) fails to agree to take reasonable steps necessary to remedy the release or threatened release in a manner consistent with the purposes of applicable environmental laws; or

"(D) causes or materially and significantly contributes to any additional release or threatened release on the property.

"(5) FEDERAL OR STATE ACTION.—Notwithstanding paragraph (4), if a Federal agency or State environmental agency is required to take remedial action due to the failure of a subsequent purchaser to carry out, in good faith, the agreement described in paragraph (4)(C), such subsequent purchaser shall reimburse the Federal or State environmental agency for the costs of such remedial action. However, any such reimbursement shall not exceed the full fair market value of the property following completion of the remedial action.

"(b) LIEN EXEMPTION.—Any property transferred pursuant to subsection (a)(4) or held by a Federal banking or lending agency shall not be subject to any lien for costs or damages associated with the release or threatened release of petroleum or a hazardous substance known to exist at the time of the transfer.

"(c) EXEMPTION FROM COVENANTS TO REMEDIATE.—A Federal banking or lending agency shall be exempt from any law requiring such agency to grant covenants warranting that a removal, remedial, or other response action has been, or will in the future be, taken with respect to property acquired in the manner described in subsection (a)(1).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'Federal banking or lending agency' means the Corporation, the Resolution Trust Corporation, the Board of Governors of the Federal Reserve System, a Federal Reserve Bank, a Federal Home Loan Bank, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration Board, the Farm Credit Administration, the Farm Credit System Insurance Corporation, the Farm Credit System Assistance Board, the Farmers Home Administration, the Rural Electrification Administration, and the Small Business Administration, in any of their capacities, and their agents;

"(2) the term 'hazardous substance' has the same meaning as in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; and

"(3) the term 'release' has the same meaning as in section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance.

"(e) SAVINGS CLAUSE.—Nothing in this section shall affect the rights or immunities or other defenses that are available under this Act or other applicable law to any party subject to the provisions of this section. Nothing in this section shall be construed to create any liability for any party.".

SUMMARY OF THE COMMUNITY BANK REGULATORY RELIEF ACT OF 1992

TITLE I—REGULATORY BURDEN RELIEF

Sec. 1001. Community Reinvestment Act Amendments. This section exempts from the requirements of the Community Reinvestment Act (CRA) depository institutions with assets of $100 million or less that are located in towns with 20,000 or fewer residents. It also includes a CRA "safe harbor" for depository institutions with assets of $300 million or less if they receive CRA ratings of satisfactory or better. Such institutions will not have to re-prove CRA compliance for two years and will not be subject to CRA protests during such period.

Sec. 1002. Data Gathering Exemption. Section 122 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) requires bank regulatory agencies to prescribe regulations requiring depository institutions to collect and submit information on small business and small farm lending practices. Section 477 of FDICIA requires lenders to report on, and the Federal Reserve to collect and publish information regarding, loans to small businesses. This section exempts from these data-gathering requirements small financial institutions with assets of $100 million or less. Instead, the Federal Reserve will be required to conduct a study on the costs and benefits of compliance with such requirements, including the costs and benefits of expanding compliance to institutions with assets of $100 million or less.

Sec. 103. Clarification of Compensation Standards. FDICIA requires the bank regulatory agencies to set standards prohibiting excessive compensation for executive officers, directors, principal shareholders and employees of insured depository institutions. This section clarifies that such regulations may not set a specific level or range of compensation for such persons but rather should address general principles for appropriate compensation. Any violation must be established on a case-by-case basis after affording affected parties an opportunity for an appropriate hearing.

Sec. 104. Truth in Lending Act Amendments. This section addresses three areas with respect to the Truth in Lending Act. First, it excludes from the scope of the Truth in Lending Act credit transactions of "sophisticated" investors. A sophisticated investor is defined as an individual who had an income of over $200,000 in each of the past two years or an individual (or couple) who has a net worth of over $1 million. Second, it limits borrowers' rights of rescission in credit transactions where the documentation contains an unintentional, bona fide error if such error does not materially or substantially alter or affect the terms of the extension of credit. Third, this section, while permitting suits brought by individuals for violations of the Truth in Lending Act, prohibits suits brought by or on behalf of a class in such circumstances.

Sec. 105. Interbank Liabilities. This section amends the interbank liabilities provision enacted by section 308 of FDICIA (codified at section 23 of the Federal Reserve Act) to exempt bank exposures where each depository institution is adequately capitalized and has assets of $1 billion or less.

Sec. 106. Aggregate Limits on Insider Lending. FDICIA imposes an overall limit on the total amount of lending to all of a bank's officers, directors, and principal stockholders. This rule may work hardships in small communities, where there may be limited lending sources and available candidates to serve as officers and directors.

This section provides that loans to bank officers, directors, and principal stockholders secured by Treasury obligations or similar securities will not be counted towards the aggregate limit on such loans.

Sec. 107. De Minimis Exception to Real Estate Appraisal Requirements. This section clarifies that bank regulators and the Resolution Trust Corporation may establish a level below which a certified or licensed appraiser is not required to perform appraisals in connection with federally related transactions.

Sec. 108. Repeal of Overly Burdensome Regulatory Requirements. This section addresses certain miscellaneous regulatory requirements that are unnecessary and burdensome. Subsection (a) would amend FDICIA to repeal the independent public accountant attestation requirement which is duplicative of existing safety and soundness examinations by bank regulators. Subsection (b) would amend FDICIA to repeal the asset quality, earnings, and stock valuation standards, which either are misleading indicators of an institution's financial condition or are duplicative of existing authority of bank regulators to examine relevant financial criteria in determining whether federal intervention is warranted.

Sec. 109. Temporary Regulatory Compliance Moratorium. This section imposes a 15 month moratorium on compliance with regulations promulgated under the Truth in Savings Act for banks with assets of not more than $100 million and requires the Federal Reserve to do a cost-benefit study regarding the application of the foregoing regulations to such banks and their customers. This report is due 12 months after the date of enactment.

Sec. 110. Economic Analysis of Certain Banking Regulations. This section requires the bank regulatory agencies to request public comments on the economic impact of, and the number of depository institutions with assets with $100 million or less affected by, their proposed regulations. If a banking agency determines that a rule will not have a significant economic impact on a substantial number of small depository institutions (more than 20 percent), the agency must prepare a detailed statement explaining why the rule will not have such an economic impact.

Sec. 111. Uniform Regulations. This section requires the bank regulatory agencies to conduct a coordinated review of their regulations within two years and ensure (unless otherwise provided by law) that their regulations, and regulatory interpretations, are uniform.

TITLE II—SECURED CREDITOR PROTECTION

Title II of the Community Bank Regulatory Relief Act of 1992 addresses the problem of lender liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or Superfund) and the Resource Conservation Act of 1976 (RCRA).

One reason businesses have had difficulty obtaining loans for new projects is a fear on the part of lenders, particularly banks and savings associations, that they may be held liable under CERCLA or RCRA for environmental damage at their borrowers' facilities. Title II alleviates these concerns by clarifying the circumstances under which lenders will be liable for such damages. Not only does Title II ensure that lenders can provide

capital to new and existing businesses—which will create jobs and foster economic growth—but it also promotes sound environmental policy by ensuring that distressed businesses have access to private capital to upgrade their environmental compliance and to help clean up existing contamination.

Title II also addresses the liability of Government entities, such as the Federal Deposit Insurance Corporation and the Resolution Trust Corporation, when they acquire environmentally damaged property during the performance of their statutory functions.

By Mr. DOLE:

S. 2795. A bill to place a temporary moratorium on interstate branching by savings associations; to the Committee on Banking, Housing and Urban Affairs.

SAVINGS INTERSTATE BRANCHING LIMITATION ACT OF 1992

Mr. DOLE. Mr. President, in addition to the Community Bank Regulatory Relief Act, I am pleased to introduce the Savings Association Interstate Branching Limitation Act of 1992.

This legislation imposes a 15-month moratorium on the effectiveness of a recently finalized regulation of the Office of Thrift Supervision [OTS] which permits unrestricted nationwide branching for federally chartered thrifts.

My beef with the OTS regulation—aside from some concerns over the alleged substantive benefits of interstate branching as balanced against its possible harms—is with the procedure followed by OTS with respect to the issuance and finalization of the regulation.

On Monday, December 30, 1991, notice of the proposed amendment was published in the Federal Register.

To say the least, it does not take a rocket scientist to predict that this proposal would generate a lot of interest and controversy. It also does not take a rocket scientist to figure out that such a difficult and controversial issue should be fully and carefully considered over a period of time before action is taken. Certainly, in my legislative experience, that's the best way to put countervailing arguments to rest and to lend integrity and credibility to the process and the resolution of that process.

Instead, what did the OTS do? They issued a proposed rulemaking during the holidays when Congress is adjourned and everyone is out of town.

Furthermore, they limited the comment period to a mere 30 days. Thirty days for a regulation that represents a major departure from prior policies. Thirty days for a regulation that ignores State's rights to determine thrift branching practices within their own borders.

And perhaps most important, 30 days for a regulation that would open the door to interstate branching for thrifts when Congress just a few weeks before flatly rejected interstate branching for banks.

The purpose of this legislation is to turn back the clock to provide an opportunity for the process to start all over again. Specifically, the legislation will restore the pre-OTS regulation status quo such that federally chartered thrifts will only be permitted to branch interstate if allowed under the laws of the affected States for State-chartered thrifts, subject to certain exceptions involving the acquisition of a failed or failing thrift.

During the 15-month moratorium period, a full and vigorous debate of the OTS proposal can take place before there is a rush to regulate. This way, whatever the final outcome, there will be assurances that all pro's and con's of the regulation are considered.

Mr. President, I ask unanimous consent that the complete text of the Savings Association Interstate Branching Limitation Act of 1992 be included in the RECORD at the conclusion of my remarks.

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

S. 2795

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 "Savings Association Interstate Branching Limitation Act of 1992".

SEC. 2. MORATORIUM ON INTERSTATE BRANCHING BY SAVINGS ASSOCIATIONS.

(a) MORATORIUM.—Notwithstanding any other provisions of law, no Federal savings association may establish or acquire a branch outside the State in which the Federal savings association has its home office, unless the establishment or acquisition of such branch would have been permitted by law prior to April 9, 1992.

(b) APPLICABILITY.—This section shall apply during the period beginning on the date of enactment of this Act and ending 15 months after such date.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2796. A bill to amend the Internal Revenue Code of 1986 to exempt certain passengers from the harbor maintenance tax; to the Committee on Finance.

EXEMPTION FROM HARBOR MAINTENANCE TAX FOR CERTAIN PASSENGERS

• Mr. INOUYE. Mr. President, today, Senator AKAKA and I introduce legislation to correct an inequity in the Water Resources Development Act, that addresses the tax treatment of intra-island cruise ship harbor maintenance fees.

In light of Hawaii's unique geography, transport by ship is extremely important to our economy. Unlike our sister States, buses, cars, and trains are not modes of transportation which can be used by Hawaii residents and visitors to travel between the islands which comprise the State of Hawaii. Hawaii's residents and visitors are limited to travel by plane or by ship. As such, to charge passenger ships which travel within my State's boundaries a tax imposes on Hawaii an unfair and discriminatory burden.

Under the Water Resources Development Act, a tax was imposed on port use. The Congress provided an exemption for Hawaii, Alaska and the U.S. possessions from the harbor maintenance tax in recognition of our dependence on ocean transportation. The measure defined "commercial cargo" as "any cargo transported on a commercial vessel, including passengers transported for compensation or hire." In providing the insular areas with an exemption, it utilized the term "cargo" which was not defined in any fashion in the Act. Unfortunately, the statute on its face, as well as the accompanying legislative history, evidence no congressional intent to provide a more restrictive definition of "cargo."

The U.S. Customs Service issued interim regulations in 1987, and on its own initiative, defined the term "cargo" to exclude the transport of passengers from the insular area exemption. The legislation I am introducing today would lay to rest the conflicting interpretation of cargo, thus exempting Hawaii, Alaska and the possessions from the harbor maintenance tax fees. The exemption is intended to cover only intra-State or intro-possession passengers loading and unloading in the same State or possession.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2796

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

SECTION 1. EXEMPTION FROM HARBOR MAINTENANCE TAX FOR CERTAIN PASSENGERS.

(a) PASSENGERS TRANSPORTED INTRASTATE.—Paragraph (1) of section 4462(b) of the Internal Revenue Code of 1986 (relating to a special rule for Alaska, Hawaii, and possessions) is amended—

(1) by inserting "or passengers" after "cargo" in subparagraph (D), and

(2) by inserting at the end thereof the following new sentence:

"For purposes of subparagraph (D), the loading and unloading of passengers shall not be included in such subparagraph if there is any loading or unloading of such passengers outside the State or possession of such loading."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 1402(a) of the Harbor Maintenance Revenue Act of 1986.•

By Mr. COATS (for himself and Mr. LUGAR):

S. 2797. A bill to require the Secretary of the Interior to conduct a study of a proposed boundary expansion of the George Rogers Clark National Historical Park in Vincennes, IN, and for other purposes; to the Committee on Energy and Natural Resources.

GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK EXPANSION STUDY ACT

• Mr. COATS. Mr. President, I am proud to rise today and introduce the George Rogers Clark National Historic Park Expansion Study Act. The George Rogers Clark National Historic Park, in Vincennes, IN, pays tribute to a great man in the history of Indiana and America.

George Rogers Clark was the first real "hero" in the history of Indiana, the Indiana Territory and the entire Northwest Territory—he is often referred to as the "Revolutionary War Hero of the West." After moving to Kentucky from Virginia, Clark became a well respected surveyor.

When the Revolutionary War erupted, Clark devised the plan of attacking the British posts north of the Ohio River. Governor Patrick Henry of Virginia authorized Clark to enlist seven companies of men for the mission and gave him 1,200 pounds to purchase supplies and finance the expedition. Clark was successful in enlisting about 200 soldiers in May 1778. After a brief training period, they began their march north toward the British garrisons of Kaskaskia and Cahokia in Illinois and at Vincennes in Indiana.

Vincennes was settled in 1733 by the French and the little fort along with Kaskaskia and Cahokia soon become important French trading centers in the Midwest. When the Revolutionary War began, the British sent troops from Detroit to garrison the forts, creating Fort Gage, Fort Cahokia, and Fort Sackville.

On July 4, 1778, Clark's little army captured Fort Gage and that same month, a small detachment of Clark's men also captured the Cahokia settlement. In February 1779, Clark made a desperate march across southern Illinois and surprised the British troops under Col. Henry Hamilton at Vincennes' Fort Sackville.

Clark surrounded Fort Sackville and after a brief siege, Colonel Hamilton surrendered his company of troops which consisted of 5 officers, 3 civilians, and 35 enlisted men, on February 25, 1779. Fort Sackville at Vincennes was renamed Fort Patrick Henry in honor of the Virginia Governor. George Rogers Clark had successfully diverted British movement in the West.

George Rogers Clark was recognized for his efforts at the time, but a permanent monument in his honor was constructed by the U.S. George Rogers Clark Sesquicentennial Commission between 1931 and 1933—nearly 150 years after the feats of this great hero. The George Rogers Clark Memorial is located on the site of Fort Sackville and is the largest of its kind east of Washington, DC. It is a circular structure of classical design, surrounded by 16 Doric columns and elevated 19 steps above the encircling terrace. It is 82 feet high with an exterior of granite and an interior of polished marble and limestone. A bronze statue of Clark, seven 28- by 16-foot murals painted on Belgian linen and a sculpted glass skylight, dominate the rotunda.

On July 23, 1966, the George Rogers Clark Memorial came under the jurisdiction of the National Park Service when the George Rogers Clark National Historic Park was established by Public Law 89-517 which was made possible through the donation of 17 acres donated by the State of Indiana. Since that time the park has been maintained and preserved giving the appropriate honor to the man who opened up the West.

Mr. President, the Coats' George Rogers Clark Historic Park Expansion Study Act seeks to set forth another milestone in the history of this great Hoosier city. The city of Vincennes and her people see the need to expand the George Rogers Clark Historic Park to include other areas within the city of Vincennes which have played an equally important role in the development of Indiana, the expansion west and the United States.

Included in their proposal is grouseland, the home of William Henry Harrison and the ninth President of the United States and Governor of the Indiana territory. Also included is the Indiana Territorial Capitol and the Stout Print Shop—the location of one of the 12 original Range presses in the United States.

The people of Vincennes have spent a great deal of time and energy researching and drafting an expansion proposal. Their efforts will dovetail the study that my bill authorizes the Department of Interior to conduct.

Mr. President, I'm sure that we all realize the contributions that the city of Vincennes and her people throughout history have made to the United States. I am confident also, that if the George Rogers Clark Expansion Study Act is approved that the result of the study will not only be approved, but wholeheartedly supported by the Department of Interior.•

By Mr. DECONCINI:

S. 2799. A bill to extend the existing duty-free treatment with respect to articles provided by the Max Planck Institute for Radioastronomy to the Steward Observatory; to the Committee on Finance.

MAX PLANCK INSTITUTE FOR RADIOASTRONOMY TARIFF EXEMPTION EXTENSION ACT

• Mr. DECONCINI. Mr. President, I rise today to introduce the Max Planck Institute for Radioastronomy Tariff Exemption Extension bill. Although this bill is short in terms of length, it is very important to ensure the continued progress of astronomy in America and the State of Arizona.

Mr. President, I authored legislation included in the Tariff and Trade Act of 1984 to provide assistance with importing materials and instruments from Germany, primarily calibration and repair equipment as well as instruments for the installation of a new world-class submillimeter telescope[SMT]. During consideration of my original legislation, I envisioned the project would be completed by 1993. However, construction on this project has been delayed and most of the material has not been imported as envisioned in the timetable of the original legislation. Therefore, I am introducing this bill which will provide a continuation of this tariff exemption on materials and equipment necessary for this important scientific venture.

I would like to briefly explain this exciting project and demonstrate the need for this bill I am introducing.

This submillimeter wavelength facility is designed to explore the potential of submillimeter astronomy. The Steward Observatory of the University of Arizona and the Max Planck Institute for Radioastronomie in Germany, are collaborating on the construction and operation of the dedicated submillimeter telescope [SMT]. The SMT will be twice as accurate as any currently existing radio telescope. The reflector is 10 meters in diameter, which will be the first SMT of this size with a surface designed for efficient measurements at the highest frequency microwave window through the atmosphere.

The University of Arizona and the Max-Planck-Gesellschaft formally began the collaboration of this telescope facility in June 1982 with the signing of a memorandum of understanding which specified a duration of 10 years. In 1992, the agreement was renewed for a further 10 years. This project has fostered an effective collaboration between an American University, a German national research laboratory, and high-technology industries in both Germany and America. The unique capabilities of the University of Arizona in large glass optics, instrumentation, and mountain top sites have been teamed with the Max-Planck Institute experience in development of large, precise radio astronomy telescopes.

The instrumentation that will be used with this telescope is as specialized and unique as the telescope itself. Much of the instrumentation is being developed as a collaboration between the two institutions, just as the telescope itself was. This custom instrumentation is not available from any other manufacturer in the world; it is a product of research and development particular to the telescope facility.

Mr. President, I ask unanimous consent that a list of telescope parts and instrumentation that the SMT requires be inserted into the CONGRESSIONAL RECORD. As the instrumentation is built and operations begin, new problems and astronomical discoveries will lead to further instrumentation being

shipped between countries to adjust to the evolution of this project. The need for this extension will continue even after the telescope project is complete.

The benefits provided by the current legislation are reciprocated by the German Government when equipment is shipped from the United States to Germany. Therefore, providing this tariff exemption extension is in the best interest of this cooperative bilateral efforts. I would also like to point out that, as most of the shipments involve the transfer of the same equipment, between countries to receive adjustment, repair or modification, there is no real economic cost incurred by the U.S. Government by extending the current tariff waiver.

Mr. President, I urge my colleagues to support this legislation and I ask unanimous consent that the entire text of the bill be included in the CONGRESSIONAL RECORD at this point.

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

S. 2799

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

SECTION 1. ARTICLES PROVIDED BY THE MAX PLANCK INSTITUTE FOR A JOINT PROJECT WITH STEWARD OBSERVATORY.

(a) IN GENERAL.—Subsection (f) of section 240 of the Trade and Tariff Act of 1984 (98 Stat. 2994) is amended by striking "and before November 1, 1993".

(b) TECHNICAL AMENDMENTS.—

(1) Section 240(a)(1)(A) of such Act is amended by striking "headnote 6(a) of part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202)" and inserting "U.S. note 6(a) of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007)".

(2) Section 240(e) of such Act is amended by striking "headnote 1 of part 4 of schedule 8 (19 U.S.C. 1202)" and inserting "U.S. note 1 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States".

(c) Effective Date.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after October 31, 1993.

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*1. Telescope mount and control electronics.

*2. Reflector support structure.

3. Reflector panels.

*4. Secondary mirror support structure.

5. Microwave relievers, bolemeters, and associated electronic systems.

6. Cryogenic dewars, compressors, vacuum pumps, and vacuum equipment.

7. Analog and digital computer interfaces, including CAMAC electronics.

8. Electronic and microwave test equipment.

9. Semiconductor devices such as mixer diodes, bolometers, and solid-state oscillators.

10. Vacuum tubes such as klystrons and carcinotrons.

11. Laser local oscillator systems.

12. Auxiliary instrumentation for use with SMT.

13. Computer systems for telescope control, data acquisition, and data reduction.

Note: Mirror molds will be temporarily exported from UA to Germany, then returned later. Similarly, computer systems will be "loaned" to MPI in Bonn temporarily and then returned. All molds returned, except for mold 4.

*Importation complete.●

By Mr. D'AMATO:

S. 2800. A bill to amend the Immigration Act of 1990 to increase the number of qualified immigrants from certain adversely affected foreign states who may be admitted to the United States; to the Committee on the Judiciary.

EXPANSION OF MORRISON VISAS

● Mr. D'AMATO. Mr. President, I rise today to introduce a bill amending the Immigration Act of 1990. My legislation will double the number of visas for qualified immigrants from adversely affected countries from 40,000 to 80,000. These visas are known as "Morrison visas."

The 1990 Immigration Act was aimed at helping those from adversely affected countries immigrate to the United States. Presently, there are 40,000 Morrison visas for each fiscal year 1992 through 1994. Natives from 34 countries from which immigration was previously identified as having been "adversely affected" by the 1965 immigration reform legislation, would be affected by this bill.

Many of these immigrants are from countries located in Eastern Europe, the Baltic States, and Ireland. They face difficulties in employment due to discrimination and economic dislocation in their home country. Many have family ties here and are even seeking family reunification.

Immigrants from nations that were traditional sources of immigration found it more difficult to immigrate to the United States as a result of the 1965 legislation. The 1990 act sought to correct this but did not completely do so. My legislation will bring the number of adversely affected immigrants into balance with other categories of immigrants by doubling the number of allowable visas known as "Morrison visas."

America, long a nation of immigrants, benefits greatly from the talents, skills, and know-how of its immigrants. If we afford those qualified immigrants the chance to come to our country and join their families, we continue the rich immigrant tradition that has been at the core of our Nation since its inception. I urge my colleagues to support this bill.

I ask unanimous consent that the text of this bill be printed following my statement.

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

S. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section of 132(a) of the Immigration Act of 1990 (8 U.S.C. 1153(a) note) is amended—paragraph 1 by striking "40,000 immigrant visas in each of fiscal years 1992, 1993, and 1994" and inserting in lieu thereof "80,000 immigrant visas in each of fiscal years 1993 through 1996"; and paragraph 2 by striking "fiscal year 1992 or 1993" and inserting in lieu thereof "any of fiscal years 1993, 1994, or 1995".

(b) The amendments made by subsection (a) shall take effect on October 1, 1992.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. BOREN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 781

At the request of Mr. SARBANES, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1087

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1087, 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.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of 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.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1332

At the request of Mr. BAUCUS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide re-

lief to physicians with respect to excessive regulations under the Medicare Program.

S. 1398

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes.

S. 1786

At the request of Mr. BAUCUS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1936

At the request of Mr. CHAFEE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1936, a bill to provide improved access to health care, and for other purposes.

S. 2059

At the request of Mr. NUNN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2059, a bill to establish youth apprenticeship demonstration programs, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2109

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2109, a bill to amend the Internal Revenue Code of 1986 to permit certain entities to elect taxable years other than taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 2160

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2160, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to elect a deduction or credit for interest on certain educational loans.

S. 2180

At the request of Mr. GRASSLEY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2180, a bill to provide greater access to civil justice by reducing costs and delay and for other purposes.

S. 2181

At the request of Mr. BUMPERS, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 2181, A bill to improve the capacity of rural communities to respond to homelessness, to establish effective program delivery models for prevention and remediation of homelessness in rural areas, to collect data on the extent and characteristics of homelessness in rural areas, and for other purposes.

S. 2230

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2230, A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient education services under part B of the medicare program for individuals with diabetes.

S. 2319

At the request of Mr. NICKLES, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2319, a bill to require analysis and estimates of the likely impact of federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 2328

At the request of Mr. BROWN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2362, A bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2511

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2511, a bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977.

S. 2622

At the request of Mr. ROBB, the names of the Senator from Maine [Mr. MITCHELL], the Senator from California [Mr. CRANSTON], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 2622, a bill to establish an Office of Cambodian Genocide Investigation, to support efforts to bring to justice national Khmer Rouge leaders who committed crimes against humanity in Cambodia, and to exclude the national leadership of the Khmer Rouge from the United States.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Connecticut [Mr. DODD], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2654

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2654, a bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes.

S. 2656

At the request of Mr. WALLOP, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2670

At the request of Mr. SANFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2670, a bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action.

S. 2671

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2671, a bill to amend title 23, United States Code, to make technical corrections.

S. 2675

At the request of Mr. BINGAMAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2675, a bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes.

S. 2680

At the request of Mr. PRYOR, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

S. 2682

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New York [Mr. D'AMATO], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2711

At the request of Mr. GLENN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2711, a bill to ensure the fair treatment of members of the selected reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces.

S. 2719

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2719, a bill to require the United States Trade Representative to take action authorized under section 301 of the Trade Act of 1974 against certain foreign countries in retaliation for the imposition by such countries of a ban on the importation of rice and rice products of the United States, and for other purposes.

S. 2736

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2736, a bill to prohibit the Secretary of Health and Human Services from taking any action with respect to certain alleged violations of the requirements of title IV of the Social Security Act.

S. 2752

At the request of Mr. LEAHY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2752, a bill to establish a REFORM Commission to review the field structure of the United States Department of Agriculture, and for other purposes.

S. 2763

At the request of Mr. ROTH, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2763, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

S. 2791

At the request of Mr. RIEGLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2791, a bill for the relief of Martha Frith.

SENATE JOINT RESOLUTION 236

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating the third week in September 1992 as "National Fragrance Week."

SENATE JOINT RESOLUTION 238

At the request of Mr. RIEGLE, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 238, a joint resolution designating the week beginning September 21, 1992, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 255

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 255, a joint resolution to designate September 13, 1992 as "Commodore Barry Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], the Senator from West Virginia [Mr. BYRD], the Senator from Arizona [Mr. DECONCINI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Minnesota [Mr. WELLSTONE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 263

At the request of Mr. SARBANES, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BURNS], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. SANFORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. GORE], the Senator from Georgia [Mr. NUNN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. SYMMS], the Senator from Maryland [Ms. MIKULSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alaska [Mr. STEVENS], the Senator from Massachusetts [Mr. KERRY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oklahoma [Mr. NICKLES], the Senator from West Virginia [Mr. BYRD], the Senator from Indiana [Mr. COATS], the Senator from Idaho [Mr. CRAIG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Texas [Mr. BENTSEN], the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. MCCAIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 289

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 289, a joint resolution designating the period beginning April 9, 1992, and ending May 6, 1992, as "Bataan-Corregidor Month."

SENATE JOINT RESOLUTION 293

At the request of Mr. SASSER, the names of the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nevada [Mr. BRYAN], the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. BURNS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. HELMS], the Senator from California [Mr. SEYMOUR], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 293, a joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. PRYOR, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 297, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 301

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Georgia [Mr. NUNN], the Senator from Delaware [Mr. BIDEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. FOWLER], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. MOYNIHAN], the Senator from Vermont [Mr. LEAHY], the Senator from Idaho [Mr. SYMMS], the Senator from Wyoming [Mr. WALLOP], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. BROWN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 301, a joint resolution designating July 2, 1992, as "National Literacy Day."

SENATE JOINT RESOLUTION 306

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. GLENN], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KASTEN], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. DECONCINI], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 306, a joint resolution designating October 1992 as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 310

At the request of Mr. DECONCINI, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 310, a joint resolution to designate August 1, 1992, as "Helsinki Human Rights Day."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE RESOLUTION 236

At the request of Mr. ADAMS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 236, a resolution expressing the sense of the Senate that the President rescind Department of Defense Directive 1332.14, section H.1, which bans gay, lesbian, and bisexual Americans from serving in the Armed Forces of the United States.

SENATE RESOLUTION 300

At the request of Mr. GORE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 300, a resolution relating to suspension of assistance and cooperative programs with the former Yugoslavia.

SENATE RESOLUTION 304—CONGRATULATING THE PITTSBURGH PENGUINS ON WINNING THE 1992 STANLEY CUP

Mr. WOFFORD (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas on June 1, 1992, the Pittsburgh Penguins won the Stanley Cup which represents the National Hockey League championship;

Whereas winning the Stanley Cup is the culmination of the dedication and efforts of the players, coaches, and owners of the Pittsburgh Penguins;

Whereas the support of all the Penguins fans and the people of Pittsburgh helped make winning the Stanley Cup possible;

Wheres the Pittsburgh Penguins have won two consecutive Stanley Cups; and

Whereas the Pittsburgh Penguins are celebrating their 25th year in the National Hockey League: Now, therefore, be it

Resolved, That the Senate congratulates the Pittsburgh Penguins for winning the 1992 Stanley Cup.

AMENDMENTS SUBMITTED

PROFESSIONAL AND AMATEUR SPORT PROTECTION ACT

GRASSLEY AMENDMENT NO. 1857

Mr. GRASSLEY proposed an amendment to the bill (S. 474) to prohibit sports gambling under State law, as follows:

On page 5, line 21, strike out the quotation marks and the last period.

On page 5, insert between lines 21 and 22 the following:

"(c) The provisions of section 3702 shall not apply to any lottery, sweepstakes, or other betting, gambling or wagering scheme in a State which, prior to January 1, 1995, enacts legislation stating that such State desires to be exempt from such prohibition.".

PUBLIC TELECOMMUNICATIONS ACT

INOUYE (AND STEVENS) AMENDMENT NO. 1858

Mr. INOUYE (for himself and Mr. STEVENS) proposed an amendment to

the bill (S. 1504) to authorize appropriations for public broadcasting, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Telecommunications Act of 1992".

PUBLIC TELECOMMUNICATIONS FACILITIES AUTHORIZATION

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated $42,000,000 for each of the fiscal years 1992, 1993, and 1994, to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities as provided in this subpart.".

SERVICES FOR UNDERSERVED AUDIENCES

SEC. 3. Section 393(b)(4) of the Communications Act of 1934 (47 U.S.C. 393(b)(4)) is amended by inserting immediately before the period at the end the following: ", including services to underserved audiences such as deaf and hearing impaired individuals and blind and visually impaired individuals".

CONGRESSIONAL DECLARATIONS OF POLICY

SEC. 4. Section 396(a) of the Communications Act of 1934 (47 U.S.C. 396(a)) as amended—

(1) by striking "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (10); and

(3) by inserting immediately after paragraph (7) the following new paragraphs:

"(8) public television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs;

"(9) it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies; and ".

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on March 26, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on March 26, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on March 26, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on March 26, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on March 26, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

COMPENSATION OF OFFICERS

SEC. 6. Section 396(e)(1) of the Communications Act of 1934 (47 U.S.C. 396(e)(1)) is amended by striking the fourth sentence and inserting in lieu the following: "No officer of the Corporation, other than the Chairman or a Vice Chairman, may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.".

CONTENTS OF ANNUAL REPORT

SEC. 7. Section 396(i)(1) of the Communications Act of 1934 (47 U.S.C. 396(i)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) a listing of each organization that receives a grant from the Corporation to produce programming, the name of the producer of any programming produced under each such grant, the title or description of any program so produced, and the amount of each such grant;".

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

SEC. 8.(a) EXTENSION OF AUTHORIZATION.—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "180,000,000 for fiscal year 1981," and all that follows through "$245,000,000 for fiscal year 1991,";

(2) by striking "and" after "fiscal year 1992,"; and

(3) by inserting immediately after "fiscal year 1993" the following: ", $310,000,000 for fiscal year 1994, $375,000,000 for fiscal year 1995, and $425,000,000 for fiscal year 1996".

(b) ANNUAL REPORT.—Section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) is amended by adding at the end the following new subparagraph:

"(E) In recognition of the importance of educational programs and services, and the expansion of public radio services, to unserved and underserved audiences, the Corporation, after consultation with the system of public telecommunications entities, shall prepare and submit to the Congress an annual report for each of the fiscal years 1994, 1995, and 1996 on the Corporation's activities and expenditures relating to those programs and services.".

TRAINING AND PROFESSIONAL DEVELOPMENT

SEC. 9. Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by inserting immediately after "other than English" the following: "or for assistance in the provision of affordable training programs for employees at public broadcast stations".

INDEPENDENT PRODUCTION SERVICE

SEC. 10. Section 396(k)(3)(B)(iii)(V) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)(V)) is amended—

(1) by inserting immediately after "expenditures of the independent production service" the following: ", including carriage and viewing information for programs produced or acquired with funds provided pursuant to subclause (I)"; amend

(2) by striking "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992, 1993, 1994, and 1995".

GRANT DISTRIBUTION CRITERIA

SEC. 11. Section 396(k)(6)(B) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)(B)) is amended by inserting "(which the Corporation shall review periodically in consultation with public radio and television licensees or permittees, or their designated representatives)" immediately after "eligibility criteria".

COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS BY FUND RECIPIENTS

SEC. 12. (a) CERTIFICATION AND EMPLOYMENT REPORTS REQUIRED.—Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following new paragraph:

"(11)(A) Funds may not be distributed pursuant to this subsection for any fiscal year to the licensee or permittee of any public broadcast station if such licensee or permittee—

"(i) fails to certify to the Corporation that such licensee or permittee complies with the Commission's regulations concerning equal employment opportunity as published under section 73.2080 of title 47, Code of Federal Regulations, or any successor regulations thereto; or

"(ii) fails to submit to the Corporation the report required by subparagraph (B) for the preceding calendar year.

"(B) A licensee or permittee of any public broadcast station with more than five full-time employees to file annually with the Corporation a statistical report, consistent with reports required by Commission regulation, identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

"(i) Officials and managers.

"(ii) Professionals.

"(iii) Technicians.

"(iv) Semiskilled operatives.

"(v) Skilled craft persons.

"(vi) Clerical and office personnel.

"(vii) Unskilled operatives.

"(viii) Service workers.

"(C) In addition, such report shall state the number of job openings occurring during

the course of the year. Where the job openings were filled in accordance with the regulations described in subparagraph (A)(i), the report shall so certify, and where the job openings were not filled in accordance with such regulations, the report shall contain a statement providing reasons therefor. The statistical report shall be available to the public at the central office and at every location where more than five full-time employees are regularly assigned to work.".

(b) COMPILATION OF REPORTS BY CORPORATION.—Section 396(m)(2) of the Communications Act of 1934 (47 U.S.C. 396(m)(2)) is amended by adding at the end the following new sentence: "Such report shall include a summary of the statistical reports received by the Corporation pursuant to subsection (k)(11), and a comparison of the information contained in those reports with the information submitted by the Corporation in the previous year's annual report.".

AUDIT REQUIREMENT FOR PUBLIC TELECOMMUNICATIONS ENTITIES

SEC. 13. (a) ALTERNATIVE TO AUDIT FOR CERTAIN ENTITIES.—Section 396(*l*)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)(ii)) is amended—

(1) by designating the existing text as subclause (I);

(2) by striking "and" at the end of subclause (I), as so redesignated, and inserting in lieu thereof "or"; and

(3) by adding at the end the following new subclause:

"(II) to submit a financial statement in lieu of the audit required by subclause (I) if the Corporation determines that the cost burden of such audit on such entity is excessive in light of the financial condition of such entity; and".

(b) FREQUENCY OF AUDIT.—Section 396(*l*)(3)(B) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)) is amended—

(1) in clause (ii) by striking "biannual" and inserting in lieu thereof "biennial"; and

(2) in clause (iii) by striking "biannually" and inserting in lieu thereof "biennially".

REPEAL

SEC. 14. Paragraph (4) of section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*)) is repealed.

CLARIFICATION OF CONGRESSIONAL INTENT

SEC. 15. Section 103(a) of the Children's Television Act of 1990 (47 U.S.C. 303b(a)) is amended by inserting "commercial or noncommercial" immediately before "television broadcast license".

EFFECTIVE DATE

SEC. 16. Section 5(a) shall take effect on March 26, 1996. All other provisions of this Act are effective on its date of enactment.

BYRD AMENDMENT NO. 1859

Mr. BYRD proposed an amendment to the bill S. 1504, supra, as follows:

At the appropriate place, insert the following new section:

BROADCASTING OF INDECENT PROGRAMMING

SEC. . (a) FCC REGULATIONS.—The Federal Communications Commission shall promulgate regulations to prohibit the broadcasting of indecent programming—

(1) between 6 a.m. and 10 p.m. on any day by any public radio station or public television station that goes off the air at or before 12 midnight; and

(2) between 6 a.m. and 12 midnight on any day for any radio or television broadcasting station not described in paragraph (1).

The regulations required under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, and shall become final not later than 180 days after the date of enactment of this Act.

(b) REPEAL.—Section 608 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2228), is repealed.

INOUYE AMENDMENT NO. 1860

Mr. INOUYE proposed an amendment to the bill S. 1504, supra, as follows:

Strike all on page 3, line 4, through page 4, line 23, of the Inouye substitute to the committee amendment and insert in lieu thereof the following:

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on January 31, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on January 31, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on January 31, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on January 31, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on January 31, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

Strike all on page 10, line 23 through 25, of the Inouye amendment to the committee amendment, and insert in lieu thereof the following:

AVAILABILITY OF INFORMATION FOR PUBLIC INSPECTION

SEC. 14. (a) CPB INFORMATION.—Section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*) is amended by striking paragraph (4) and inserting in lieu thereof the following:

"(4)(A) The Corporation shall maintain the information described in subparagraphs (B), (C), and (D) at its offices for public inspection and copying for at least 3 years, according to such reasonable guidelines as the Corporation may issue. This public file shall be updated regularly. This paragraph shall be effective upon its enactment and shall apply to all grants after January 1, 1993.

"(B) Subsequent to any award of funds by the Corporation for the production or acquisition of national broadcasting programming pursuant to subsection (k)(3)(A)(ii)(II) or (iii)(II), the Corporation shall make available for public inspection the following:

"(i) Grant and solicitation guidelines for proposals for such programming.

"(ii) The reasons for selecting the proposal for which the award was made.

"(iii) Information on each program for which the award was made, including the names of the awardee and producer (and if the awardee or producer is a corporation or partnership, the principals of such corporation or partnership), the monetary amount of the award, and the title and description of the program (and of each program in a series of programs).

"(iv) A report based on the final audit findings resulting from any audit of the award by the Corporation or the Comptroller General.

"(v) Reports which the Corporation shall require to be provided by the awardee relating to national public broadcasting programming funded, produced, or acquired by the awardee with such funds. Such reports shall include, where applicable, the information described in clauses (i), (ii), and (iii), but shall exclude proprietary, confidential, or privileged information.

"(C) The Corporation shall make available for public inspection the final report required by the Corporation on an annual basis from each recipient of funds under subsection (k)(3)(A)(iii)(III), excluding proprietary, confidential, or privileged information.

"(D) The Corporation shall make available for public inspection an annual list of national programs distributed by public broadcasting entities that receive funds under subsection (k)(3)(A)(ii)(II) or (iii)(II) and are engaged primarily in the national distribution of public television or radio programs. Such list shall include the names of the programs (or program series), producers, and providers of funding.".

(b) INDEPENDENT PRODUCTION SERVICE INFORMATION.—Section 396(k)(3)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)) is amended by adding at the end the following new subclause:

"(VI) The Corporation shall not contract to provide funds to any such independent production service, unless that service agrees to comply with public inspection requirements established by the Corporation within 3 months after the date of enactment of this subclause. Under such requirements the service shall maintain at its offices a public file, updated regularly, containing information relating to the service's award of funds for the production of programming. The information shall be available for public inspection and copying for at least 3 years and shall be of the same kind as the information required to be maintained by the Corporation under subsection (*l*)(4)(B).".

Strike all on page 11, lines 5 through 8, of the Inouye amendment to the committee amendment and insert in lieu thereof the following:

EFFECTIVE DATE

SEC. 17. Section 5(a) shall take effect on January 31, 1996. All other provisions of this Act are effective on its date of enactment.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1861

Mr. INOUYE. (for Mr. BINGAMAN, for himself, Mr. HEFLIN, Mr. HATFIELD, and Mr. KERREY) proposed an amendment to the bill S. 1504, supra, as follows:

On page 12, between lines 2 and 3, insert the following:

READY-TO-LEARN TELEVISION CHANNEL

SEC. 12. (a) The Congress finds that—

(1) many of the Nation's children are not entering school "ready to learn";

(2) next to parents and early childhood teachers, television is probably the young child's most influential teacher;

(3) a vital component in meeting the Nation's first education goal is the development of interactive programming aimed exclusively at the developmental and educational needs and interests of preschool children;

(4) television can assist parents and preschool and child care teachers in gaining information on how young children grow and learn; and

(5) there is a need for quality interactive instructional programming based on worthwhile information on child development designed for children, parents, and preschool and child care providers and teachers.

(b) Within 90 days following the date of the enactment of this Act, the Corporation for Public Broadcasting shall report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel. Such report shall include, among other things—

(1) the costs of establishing and implementing a ready-to-learn channel;

(2) the special considerations of using television as a learning tool for very young children;

(3) the technology, and availability thereof, needed to establish and implement such a channel; and

(4) the best means of providing financing for the establishment and implementation of a ready-to-learn channel.

On page 12, line 4, strike "12" and insert "13".

PRESSLER (AND GRASSLEY) AMENDMENT NO. 1862

Mr. PRESSLER (for himself and Mr. GRASSLEY) proposed an amendment to the bill S. 1504, supra, as follows:

At the appropriate place, add the following:

CORPORATION FOR PUBLIC BROADCASTING REPORT ON DISTANCE LEARNING

SEC. . (a) The Congress finds that—

(1) distance learning would provide schools in rural areas with advanced or specialized instruction not readily available;

(2) utilization of distance learning can end some school closings or consolidations;

(3) distance learning will play a vital role in accomplishing the goals of "America 2000" as established by the President;

(4) Corporation for Public Broadcasting should promote distance learning projects where it is cost effective;

(5) Corporation for Public Broadcasting can promote distance learning by helping reduce the costs associated with telecommunications services.

(b) Within 180 days following the date of the enactment of this Act, the Corporation for Public Broadcasting in consultation with other education program providers and users, shall report to the Congress as to the most effective use of their existing telecommunications facilities to establish and implement distance learning projects in rural areas. Such report should include, among other things, the costs and benefits of establishing national demonstration sites to study new distance learning tools and to evaluate the most effective use of current distance learning applications; any incentives necessary to provide access to Corporation for Public Broadcasting facilities for distance learning applications.

INOUYE AMENDMENT NO. 1863

Mr. INOUYE proposed an amendment to the bill S. 1504, supra, as follows:

On page 11, immediately after line 4, of the Inouye amendment to the committee amendment, insert the following new section:

OBJECTIVITY AND BALANCE POLICY, PROCEDURES, AND REPORT

SEC. 16. Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications Act of 1934 (47 U.S.C. 396(g)(1)(A)) "to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature," the Board of Directors of the Corporation shall—

(1) review the Corporation's existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to—

(A) provide reasonable opportunity for members of the public to present comments to the Board regarding the quality, diversity, creativity, excellence, innovation, objectivity, and balance of public broadcasting services, including all public broadcasting programming of a controversial nature, as well as any needs not met by those services;

(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, objectivity, and balance, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants pursuant to clauses (ii)(II), (iii)(II), and (iii)(III) of section 396(k)(3)(A) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)) that it finds necessary to meet the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operations; and

(3) starting in 1993, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2).

McCONNELL AMENDMENT NO. 1864

Mr. McCONNELL proposed an amendment to the bill, S. 1504, supra, as follows:

On page 12, after line 4, insert the following new section:

CONSUMER INFORMATION

SEC. . Prior to the expiration of the 90 day period following the date of the enactment of this Act, the Corporation for Public Broadcasting, in consultation with representatives of public broadcasting entities, shall develop guidelines to assure that program credits for public television programs that receive production funding directly from the Corporation for Public Broadcasting adequately disclose that all or a portion of the cost of producing such program was paid for by funding from the Corporation for Public Broadcasting, and that indicates in some manner that the Corporation for Public broadcasting is partially funded from Federal tax revenues.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. president, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on State regulation of natural gas production.

The hearing will take place on Thursday, June 11, 1992, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at 202/224-4820.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, June 2, 1992, at 9 a.m., in open session, to receive testimony on Active and Reserve personnel issues relating to S. 2629, the Department of Defense authorization request for fiscal year 1993.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. 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 Tuesday, June 2, 1992, at 10:30 a.m., for a hearing on "Meeting the Challenge of HIV Care: Implementing the Ryan White AIDS Care Act."

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, June 2, 1992, at a.m. to conduct a hearing on the civil litigation activities of the FDIC and the RTC.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 2, 1992, at 10 a.m. to hold a hearing on trade and competitiveness.

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

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, June 2, 1992, at 10 a.m. the committee will hold a full committee hearing on the Price Waterhouse Study of the Small Business Administration's 7(a) Guaranteed Business Loan Program.

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

ADDITIONAL STATEMENTS

TOWN OF BOONSBORO, MD, CELEBRATES BICENTENNIAL

• Mr. SARBANES. Mr. President, in a few weeks the town of Boonsboro, MD, will be celebrating its bicentennial. Boonsboro, one of the loveliest towns of western Maryland, lies at the foot of the Appalachian mountains. It has a distinguished history, which I wanted to share with my colleagues during this year of celebration.

Boonsboro was founded in 1792 by George and William Boone, two brothers who were cousins of Daniel Boone, America's famous frontiersman. George Boone originally named the town Margaretsville in honor of his wife, but locals began calling it Boon's Borough, the name that was later shortened to Boonsboro.

On the old National Road, one of the first public works projects in this country, Boonsboro thrived at the beginning of the 19th century. One of Boonsboro's greatest achievements was the raising of the first monument to our first President, George Washington. Led by two veterans of the Revolutionary War, the citizens of Boonsboro gathered in the town square on July 4, 1827, to march up nearby South Mountain and build a stone monument to General Washington. The villagers erected an attractive stone monument 24 feet in diameter and 15 feet high with a superb view out over the valley. The monument is now the centerpiece of Maryland's Washington Monument State Park.

Incorporated in 1831, Boonsboro played a key role in the Battle of South Mountain and in the skirmishing leading up to the Battle of Antietam in September 1862. The town's churches and public buildings were turned into makeshift hospitals to treat the thousands of wounded from Antietam, the bloodiest single day battle in America's history.

Boonsboro remains little changed from those days. It is an attractive small town filled with the homes of people who have in many cases lived there for generations. It is a community that welcomes people and is famed for its hospitality and its congenial atmosphere. I want to thank Douglas G. Bast, a local historian, for sharing his notes on Boonsboro's history with me.

I join the citizens of Boonsboro and Washington County in honoring a town which has experienced two centuries of history and change and to wish the town a joyful celebration during this notable anniversary.•

COMMENDING ROGER FOUSSARD OF MINNESOTA

• Mr. DURENBERGER. Mr. President, I rise today to acknowledge the accomplishments of Roger Foussard of Minnesota.

In January, Roger was selected by the industry journal Modern Healthcare to receive the 1992 Trustee of the Year Award. Roger was chosen for his leadership role as board chairman in HealthEast's successful financial turnaround.

Rooted in Judeo-Christian values, the mission of HealthEast is to provide high quality, cost-effective, and compassionate health care. As the largest provider in St. Paul, HealthEast offers consumers a continuum of health services. It is a major institution with 1,210 beds and 5,000 employees. In 1991, nearly one of every two persons hospitalized in St. Paul were admitted to a HealthEast hospital.

Mr. Foussard has been involved in healthcare for over 25 years. He has served on the board and foundation of the Baptist Hospital fund and was chairman of the St. Paul Chamber of Commerce.

Mr. President, for all that Roger has done for HealthEast and the people of the city of St. Paul, I am proud to be able to share with you his accomplishments.

Mr. President, I ask that the article from the January 20, 1992, edition of Modern Healthcare be reprinted in the RECORD. I thank the Chair.

The article follows:

[From Modern Healthcare, Jan. 20, 1992]

1992 TRUSTEES OF THE YEAR—A DRIVING FORCE IN A DRAMATIC TURNAROUND

(By Jay Greene)

Three years ago, Roger Foussard, board chairman of HealthEast, received a telephone call from Timothy Hanson, who called to tell him the financial results of the system's recently completed third fiscal year.

"I've got good news and bad news," said Mr. Hanson, who at the time was its newly installed president and chief executive officer. "The bad news is we lost $21 million. The good news is we could have lost $25 million."

The $25 million was the projected loss for the fiscal year ended Aug. 31, 1989, if the system had done nothing to stop the flow of red ink.

The two executives look back at that time fondly because it marked the beginning of a turnaround at St. Paul, Minn.-based HealthEast, a five-hospital system that was formed through several mergers in 1986 and 1987.

From losses to gains. In HealthEast's first three years, the system had lost a total of $73.5 million and incurred $77 million in long-term debt to raise its total debt to $230 million. It was on its way toward bankruptcy, Messrs. Foussard and Hanson said.

But thanks to several far-reaching management, governance and operational improvements, HealthEast now is on the road to recovery. In its fifth full fiscal year ended Aug. 31, 1991, it posted net income of $7.9 million, a 154% increase from the previous fiscal year. Operating revenues rose 10.5% to $263.4 million.

For leading one of the most dramatic healthcare turnarounds in recent years, Mr. Foussard, 63, has been selected as Modern Healthcare's Trustee of the Year for hospitals with more than 250 beds.

Mr. Foussard is president of Foussard Associates, a governance consulting firm he formed in 1989 as a result of his HealthEast experiences.

Chairman of the St. Paul Chamber of Commerce from 1974 to 1975, Mr. Foussard has been involved with healthcare for the past 25 years. He headed a hospital laundry management business in St. Paul from 1956 until he sold it in 1984. For 25 years, he served on the board of the Baptist Hospital Fund—one of HealthEast's founding members—and its foundation.

Openess helped. In HealthEast's difficult early years, Mr. Foussard was candid in explaining the system's plight to employees, physicians, the community and the media, Mr. Hanson said. "He provided leadership at the highest level for an organization and community that was going through an extreme set of difficulties."

Mr. Foussard also was instrumental in establishing a "Report to the St. Paul Community," which outlines the status of the system and how it's solving its problems. The report is released each fall at an annual meeting with the system's four sponsoring groups and community leaders.

He was equally candid in describing those problems and how the board saw through the difficult solutions, which included scrapping the system's product-line management approach, closing three underutilized hospitals and laying off 10% of the new system's work force.

Making these moves gave Mr. Foussard credibility with the public and business community, Mr. Hanson said.

"We had a strong, centralized organization that was unwieldy," Mr. Foussard said in a 1989 interview. "Management decisions were not made in a prompt manner. The board didn't have the up-to-date information it needed to make decisions."

In a 1990 interview, he said "HealthEast started 1989 perceived by the community as a loser. We met with community leaders often to describe the actions we were taking to improve the system. As time went on, we gained credibility in the business community that we are a good corporate citizen that is responsible."

HealthEast is the largest healthcare provider in St. Paul, operating four acute-care hospitals and one rehabilitation hospital with a total of 884 beds. It employs 2,750 people and has a medical staff of 1,000.

In addition to its five hospitals, HealthEast operates three long-term-care facilities with a total of 420 beds, a home-care agency, a home medical equipment company, a physical referral and information service, medical transportation and housing for senior citizens.

Beginnings. HealthEast was formed to unite competing hospitals in St. Paul to reduce expenses and negotiate more favorable managed-care contracts, Mr. Foussard said.

While unusual in many regards, the creation of HealthEast was unique because it involved the merger of eight financially struggling, religious-sponsored urban hospitals, Mr. Foussard said.

But after two years it became apparent to everyone associated with HealthEast that the merger that brought together hospitals of Roman Catholic, Baptist and Lutheran heritages wasn't working. An inefficient management structure and the competing interests of the sponsors and the board made it difficult for trustees and executives to act.

"The majority of trustees felt the system would benefit their hospitals in the long run," Mr. Fossuard said. "But when the losses started to pile up, it was very difficult for the sponsoring boards because they were criticized by the minority who wanted to go it alone."

When the system went into technical default in February 1989 on a $138.9 million bond issue, its founding president and chief executive officer, John Reiling, resigned.

Turning around. To develop a turnaround plan. HealthEast hired the Hunter Group, a Chicago-based turnaround consulting firm, and the Minneapolis office of Anderson Consulting (MH, Oct. 20, 1989, p. 26).

The board adopted the advisers' plan in March 1989, and Mr. Foussard made sure the board and management followed through on the recommendations, Mr. Hanson said.

"He provided the leadership to get a large number of groups to understand the mission of HealthEast and to get the organization to focus on the problems," Mr. Hanson said.

Besides his ability to bring people together to solve problems, Mr. Foussard also is known for uniting the board through his singing abilities.

"Roger has a very gregarious and fun-loving personality. With him, nothing is insurmountable," Mr. Hanson said. "At the annual meeting of a year ago, I was making a presentation, showing slides on improved financial viability. One slide got stuck; it actually burned and disintegrated. That brought the show to a halt.

"I turned to Roger, who loves to sing and break out in song. I said, "OK, Roger, it's time for your song." Everybody looked at Roger and laughed. Clearing his throat, Mr. Foussard replied, 'It's a little early in the morning.'"

But Mr. Foussard acknowledged his propensity for making music. "I'm a singer, an amateur, but I enjoy it. I have been known to lead groups in song," he said.

While HealthEast still is burdened by $175 million in long-term debt, it's beginning to be recognized as a system that's moving in the right direction.

Last fall, HealthEast won the 1991 award for Innovation of the Year from the Minnesota Hospital Assn. for its development of an accounting system that improved its cash flow. That system helped HealthEast boost its cash flow by $16 million by reducing days in accounts receivable, to an average of 62 in 1990 from 79.2 in 1988.

Physician involvement. Physicians also played a key role in the turnaround, Mr. Foussard said, adding that the system could have failed without their support and advice.

"From a physician perspective, there was a lot of concern about economics and how quality was going to have to suffer," said Robert Beck, M.D., vice president of medical affairs. "Roger made a commitment that quality would not suffer in the turnaround. He made the quality of care committee of the board an essential committee."

To benefit from physicians' experience, HealthCare managers and trustees met with physicians before and after the merger to gather crucial information that helped the board make decisions. After the merger, 17 physician task forces were created along speciality lines to direct information to the system. A physicians advisory committee also gave guidance to the system from 1986 to 1988 on such issues as which hospitals to close and which clinical services to consolidate.

In addition to having Dr. Beck as the system's vice president of medical affairs, each hospital has its own medical director and a program to allow physicians to suggest improvements in the system and its hospitals.

Another action that has united the medical staff was the board's decision to create a single medical staff organization to improve quality assurance and streamline credentialing.

"Over the last year, physicians have been more willing to identify themselves as HealthEast doctors rather than (being with) a particular hospital," Dr. Beck said.

As a governance consultant and guest lecturer in healthcare at the business school of the College of St. Thomas in St. Paul, Mr. Foussard has spoken publicly about the attributes of a good trustee.

Trustee commitment, pay. "Trustees must have a commitment to the organization and the community," he said. "They must realize hospitals are really a public trust, a utility in some respects, because (hospitals) have to provide care to the community in an ongoing and reliable way."

Trustees also should know about disciplines other than healthcare, Mr. Foussard said. "Some trustees may not have enough experience in broader issues of management and may be too narrow in their views."

One of Mr. Foussard's major priorities was to improve HealthEast's governance. In 1990, he sought a restructuring of the board into more of a corporate model; decisionmaking is aided through the distribution of tight agendas and information for trustees before each meeting.

"In today's competitive environment, hospital boards are called upon to be a real business," he said. "With pressures from government and managed care, it's the most complicated business you can think of."

To improve efficiency, HealthEast reduced the number of board members to 12 from 24 and its committees to five from eight. Physicians fill one-third of its board positions.

However, the highlight of the restructuring was the system's controversial decision to pay trustees. Beginning in January 1991, HealthEast established a compensation program that pays trustees annual retainers, per meeting fees and educational expenses.

Nationally, only 2% of hospitals paid trustees in 1989, up from 1% in 1985, according to a 1990 survey of 1,995 hospitals by the American Hospital Assn. However, most paid trustees are elected members of hospital district boards.

HealthEast's trustees are paid a $5,000 annual retainer plus $500 per meeting. To attend educational conferences, the system has budgeted an additional $5,000 per trustee. When educational expenditures are taken into account, HealthEast's compensation program totals $15,000 to $18,000 per trustee. Committee chairmen are eligible for maximum compensation and educational benefits of $20,000. Mr. Foussard, as board chairman, can get pay and educational benefits of as much as $25,000 per year.

While most hospitals believe trustees should be unpaid volunteers, Mr. Foussard believes compensation will help hospitals attract and retain the best trustees and thus can be a key to success for facilities.

"It could be open to criticism," he said. "However, it was our feeling that it was extremely important for our organization to have a board that is attentive. We didn't want to have a burned-out board that was less willing to contribute."

The board, medical staff and community haven't objected to the trustee compensation program, he said.

HealthEast wants to remain the No. 1 provider in St. Paul, Mr. Foussard said. But with the three other major systems in the Twin Cities talking about a possible merger, HealthEast has to be aware of possible erosion of its market penetration in St. Paul, which exceeds 50%, he said (MH, Jan. 6, p. 64).

"Whatever is done in Minneapolis affects the entire metropolitan area," Mr. Foussard said. "We have to watch it very carefully, but I don't foresee any changes in our plan."

Despite HealthEast's initial growing pains, Mr. Foussard believes a motivated board working with equally motivated management and supportive physicians and employees will help HealthEast grow.

"We are profitable at this point, and that is good," Mr. Foussard said. "The turnaround came about because everyone associated with this organization, from the sponsors all the way down, was together.".

VIOLENCE: MERELY ENTERTAINING OR MAINLY EVIL?

• Mr. SIMON. Mr. President, one of the great newspapers in the country, a newspaper that has grown in influence, is the Los Angeles Times.

Recently, I read two articles in the Los Angeles Times, one written by Paula Poundstone and one written by Dr. Carole Lieberman. Both are in very different fields. Dr. Lieberman is a media psychiatrist and script consultant, and Paula Poundstone is a comedian.

But both, coming from very different perspectives, reach a conclusion that I reached some time ago, that violence on the screen—particularly the tele-

vision screen—encourages violence in our society. Studies are overwhelming in showing that to be the reality.

More than a year ago, Congress passed legislation that I introduced to permit those involved in the television industry to get together to establish standards on violence without violating the antitrust laws. I wish I could tell you that dramatic steps are being taken in a constructive direction.

There is some action that I hope will result in something constructive. I am monitoring it all with great interest.

But I want to commend the articles written by Paula Poundstone and Dr. Lieberman, and I ask to insert them into the CONGRESSIONAL RECORD at this point.

The articles follow:

[From the Los Angeles Times, May 29, 1992]

WHAT FILMMAKERS ARE MISSING IS A SENSE OF RESPONSIBILITY

(By Paula Poundstone)

I'm still twitching from the rage I felt after reading the article "Soul-Searching on Violence by the Industry" (Calendar, May 18). As it turns out, if this industry has a soul, it is dead-set against searching it.

The article included a quote from movie director Walter Hill, who is credited with "The Warriors," "Alien 3" and the about-to-be-retitled "Looters." He said: "I somehow think the notion that if you disarm Clint Eastwood or Arnold Schwarzenegger you can change the world in some positive way is probably a little naive."

Is this man short of cash? Is that it? Is there anyone in the motion picture industry who wasn't influenced by movies as a kid?

That's not what they say in their Oscar speeches.

I don't think there's any doubt in anyone's mind that the media has saturated us in images of violence and the effect has been to cheapen life. The question is, how do we deal with that? How do we make the industry behave responsibly without stepping all over the First Amendment?

Let's be honest. Violent movies and television make a lot of money. That's why Walter Hill and his co-workers want to make them. Yet they must know with certainty that disarming Clint Eastwood and Arnold Schwarzenegger would go a long way toward bringing about positive changes in the world. Let's not subvert the truth.

Violent movies and television are protected by the First Amendment, not applauded. I don't want to see Sylvester Stallone or Estelle Getty pointing a gun at me from a billboard.

Of course it has an impact. I wish it weren't true but it is.

Believe me, no one's stomach turns more than mine to have to say that Arnold Schwarzenegger influences anyone, but he does. The President sure thinks he does.

I was walking past a schoolyard not long ago and a Santa Monica city bus drove by with that horrible Harrison Ford movie poster on it (with him pointing a gun straight out and the words "The Games Begin" alongside him).

I thought to myself that I should write the bus company about that, and at that moment I turned to see a little kid on the playground throwing rocks and yelling, "Hasta la vista, baby."

I am a consumer. I will not pay to see these violent films. Yes, Hollywood, you are allowed to sell violence, but please don't. When you do, you are a part of the problem.

I am not an advocate of censorship but I'm a big believer in responsibility. Responsibility. I feel like screaming it from the highest rooftops.

It can be nothing but greed that motivates these performers and studios to profit from the same young viewers whose hearts they empty of the value of even their own lives. People should not shoot people and we should not get used to seeing it.

(A comedian, Poundstone expressed some of these thoughts on the "Comic Relief V" benefit to aid the homeless.)

STUDIES INDICATE SCREEN MAYHEM SHAPES LIVES

(By Dr. Carole Lieberman)

"Soul-Searching on Violence by the Industry" (Calendar, May 18) doesn't "search" deeply enough.

What transformed wide-eyed babies into L.A. rioters? Close to 1,000 studies in recent decades would indicate that it was the steady diet of violent media they ingested from cartoons to video games to slasher films.

If parents cared as much about what children feed their brains as they do about what they feed their stomachs, they wouldn't abdicate their parental roles to the media. Each generation of children is being increasingly raised by TV sets and movie screens and coming to believe in the values media tout.

We readily accept that children learn the alphabet from "Sesame Street," why can't we accept that they learn the ABCs of murder and mayhem from gratuitously violent entertainment?

Daily, I hear writers, producers and other industry people say, "It's only entertainment," meaning no one believes or acts upon what they see on screen. Yet these same people sell product-placement spots and commercial time for billions of dollars per year. If a 30-second commercial can sell soap, then surely years of glamorized murder, rape and mutilation can sell violence.

Why does Hollywood continue to generate violent entertainment quicker than you can say, "'Kill' the lights, we're ready to 'shoot'"?

Violence sells. Just like a drug, violence makes people high by stimulating the neuropsychological components of their inborn aggressive drive. If a child is raised in a loving atmosphere, the aggressive drive becomes socialized into normal ambition and competitiveness, but in an atmosphere of graphic media violence, the aggressive drive becomes distorted into real-life violence. And, just like a drug, people need ever-increasing doses to achieve the same high. Violence sells. So does crack cocaine. Does that make it OK?

With the recession hurting Hollywood pocketbooks more than anticipated, exportation of films and TV shows has taken on greater importance. Consequently, studios have turned to violence even more, since it is translated without words. It's sadly ironic that just as the Cold War ended and we could begin to hope for global peace, America is exporting products that will cause global warfare.

Individual writers, producers and executives feel overwhelmed by the concept that what they write, produce or choose to air could change the lives of millions of people, so they deny the power of their work to avoid a responsibility they often feel ill-equipped to handle.

All scripts require dramatic conflict but to take that literally and plug in gratuitous violence is laziness. In the rush to create more product, artistry is lost.

In every creative work, the unconscious minds of the creators are reflected. There is clearly a lot of anger coming from the unconscious minds of Hollywood and being reflected on the screen. At least some of this unconscious anger is generated by the brutal logic Hollywood inflicts upon its own.

Money, money and more money.

The answer is not censorship but the industry is long overdue in taking responsibility for what it feeds society. Whether one argues that "life imitates art" or "art imitates life," it is indisputable that the increasing violence in our streets is paralleling the increasing violence in our media.

Do the riots have to invade the studios and homes of the industry for this awareness to penetrate? This time it was close. How much closer does it need to get before the industry acknowledges that the "reel" violence it manufactures is killing "real" people in the streets?

(Lieberman is a media psychiatrist, script consultant and talk-show host based in Beverly Hills. She also chairs the National Coalition on Television Violence.)•

TRIBUTE TO BOWLING GREEN

• Mr. MCCONNELL. Mr. President, I rise today to recognize Bowling Green, KY's fifth largest city.

Bowling Green is in south-central Kentucky near the Barren River. It distinguishes itself from surrounding towns by its advantageous location along I-65, the Green River Parkway and the CSX rail line. This location has made it possible to attract key industrial facilities, including the Fruit of the Loom and Corvette plants.

Bowling Green is also the home of Western Kentucky University. The university has contributed to the city's growth immeasurably. People from throughout the region come to western for its academic programs, athletic events, cultural offerings, and other activities. Western Kentucky University professors often serve the community as consultants in various fields; many western employees are also in leadership roles in Bowling Green and Warren County. With all these positive characteristics, it is easy to see why Bowling Green is being called a boomtown. In recent years, it has enjoyed rapid growth in population and economy; of course, this has lead to a rapid growth in problems as well. Right now, Bowling Green is learning how to deal with new problems such as traffic, air pollution, and waste management. Some of the residents believe that this is a sign that the city is growing too much, but others say Bowling Green is just beginning to realize its potential.

As Bowling Green citizens struggle with its growing pains, I would like to recognize their accomplishments and applaud their success in making their city one of the finest in the State.

Mr. President, please enter the following article from Louisville's Cou-

rier-Journal in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, Apr. 27, 1992]

BOWLING GREEN—RAPID GROWTH HAS RESIDENTS WONDERING HOW MUCH IS TOO MUCH

(By Cynthia Crossley)

There aren't any signs marking the approaches to Bowling Green, but Mayor Johnny Webb expects to rectify that in time. The question is, what will those signs say?

"Bowling Green, Home of the Corvette"? "* * * of Western Kentucky University"? "* * * of Fruit of the Loom"?

Or how about, "Welcome to Bowling Green—A Boom Town. The Lexington of Southern Kentucky."

Magazine articles about Bowling Green tend to hang those tags on Kentucky's fifth-largest city. They reflect the way Bowling Green has blossomed. Between 1986 and 1990, Bowling Green created more jobs—nearly 3,000—than any other of Kentucky's 10 largest cities, according to the Bowling Green Warren County Chamber of Commerce. (The chamber's figures show Louisville second, with nearly 2,000 new jobs.)

When it comes to snaring a new industry, says Webb, "We know what we're doing."

Bowling Green has a lot of selling points. It is a regional trade center. People come from surrounding counties to shop at Greenwood Mall and other retail outlets. While in town they attend plays, see movies or eat in restaurants that range from franchised fern bars to locally owned historic eateries to the familiar fast-food places on Interstate 65 interchanges.

A regional business center, the city has an "innovation center"' that helps small businesses get started by cutting overhead. It will soon have the Kentucky Advanced Technology Center, now under construction, to provide tailored training to workers in different skills.

Bowling Green may also have potential as a regional tourism center. Construction of a convention center-hotel project is under way, and groundbreaking for a "National Corvette Museum"—General Motors makes the sports car in Bowling Green—is scheduled for June. Another group is trying to restore an old tourist attraction, the Lost River Underground Nite Club (and Cave.) The city already has the Kentucky Museum and Library at Western Kentucky University, the historic Hobson House and nearby attractions such as Mammoth Cave National Park, Barren River Lake State Resort Park and Shakertown at South Union.

Bowling Green also serves as a regional medical center, with two hospitals, clinics and specialty facilities for rehabilitation and Alzheimer's disease.

Above all, one of Bowling Green's major selling points is the presence of Western Kentucky University, which helps in obvious—and not-so-obvious—ways. For example, it helps sell outsiders on setting in Bowling Green by offering them the chance for continued education and the amenities—sports, lectures, plays, exhibits—one might expect at a school with 15,700 students.

But Western also supplies Bowling Green—and other communities—with virtually endless expertise. Warren County's 1989 comprehensive plan, for example, is chock full of technical analysis by Western professors, such as Nick Crawford, an expert on the area's karst terrain, which is characterized by caves, underground streams and sinkholes. Many times, professors do such consulting work without charge because public service is a part of Western's mission.

Western is a source of community activism as well. Government professor John Parker served on a committee that proposed changing the local city-county government structure to a merged metropolitan government. (Voters rejected the proposal in 1990.) And communications professor Regis O'Connor Jr. helped organize Warren County's chapter of Habitat for Humanity.

Western professors also have helped organize Bowling Green's respected fall 10-K race, been active in preservation efforts and published several local histories. Students are active as well: a recent fire at the High Street Community Center, for example, prompted one Western sorority to seek donations to replace some of the center's lost supplies.

"There's no telling what that university is worth to this community," said Warren County Judge-Executive Basil Griffin.

Another major asset for Bowling Green is transportation, including I-65, the Green River Parkway and a CSX rail line. Bowling Green also has a busy general-aviation airport. (The community hasn't been as lucky in its efforts to keep commercial commuter air service. Nashville International Airport, which is a hub for American Airlines, is only about an hour's drive away.)

Someday Bowling Green might also re-emerge as a barge shipping center, depending on the findings of a study by the Army Corps of Engineers of potential traffic on the Barren and Green Rivers. The study will determine whether some washed-out locks on the Barren and Green should be rebuilt to reopen a link to the Ohio River, 170 miles away.

Before railroads put packet boats out of business in the early 1930s, Bowling Green had enjoyed 100 years at the head of navigation—and shipping—on the Barren and Green rivers.

"I guess when you boil it all down to what's the difference between places like Glasgow, Russellville, Scottsville and Bowling Green, you'd have to say transportation and education," said local history buff Ray Buckberry Jr. "We've really been fortunate."

While the positive press has been great, there are some in the community who think their town is fast reaching a crossroads. They think growth is bringing their town closer to the threshold of becoming an impersonal urban area.

The change "is going to be a little painful, I think," said Court of Appeals Judge Joseph Huddleston, who has lived much of his life in Bowling Green. "From an economic standpoint, you want it, and from an emotional point you don't."

Said David Garvin, a millionaire horseman who favors retaining "a rural, pastoral setting" for Bowling Green, "It's popular to be progressive * * * but if we aren't careful, and if we don't take some real control over development, we could really mess this up."

Some urban problems are starting to visit Bowling Green. The U.S. Environmental Protection Agency says that the city's air pollution could become a problem.

With the growth of the Scottsville Road area, other parts of town have been left with large, vacant buildings. Community advocates, such as the Rev. Elliotte Joyner, are pushing for a mass-transit system to serve residents on the north side of town, which has low-income housing.

And then there's the No. 1 symptom of growth—traffic.

"The Video Station Thanks You for Allowing Traffic In and Out," says a blue and white portable sign that is planted in front of a Campbell Lane video store every weekend. Traffic on the two-lane road, a major east-west connector between several of Bowling Green's major "spoke" arteries, jams regularly in the evenings and on weekends.

"It's just a mess. It's horrible," said assistant store manager Jonathan Hunt. "It's going to kill some of these businesses."

And that's just one street. Scottsville Road, Bowling Green's main entrance off I-65, and its main weekend shopping area, is a high-accident area, according to Bowling Green police statistics. So is the U.S. 31W Bypass.

The worst of all this is that Bowling Green officials know about these and other problems and cannot afford to fix them. Instead of getting additional traffic lights to control overflow on Scottsville Road, for example, officials are seriously considering installing concrete barriers in some places to limit access.

Bowling Green has another major problem, which is showing up as more growth occurs—its karst terrain. A karst landscape occurs in areas in which limestone underlies the ground—and that is all of Warren County. (So many buildings in Bowling Green have limestone exteriors it seems that ought to be an indication of karst terrain as well.)

"This is one of the most bizarre landscapes on Earth," said Western's Crawford.

Most of the streams around Bowling Green flow underground; few are on the surface. "Even deserts have more bridges across them," Crawford said.

Karst terrain means there are several things to consider when erecting buildings in Bowling Green. One is spot flooding. The underground caves are natural storm sewers, but the sinkholes feeding into them can be slow to drain and sometimes flood with heavy rains. The more paving that's done and the more structures built in sinkhole areas, the worse the problem becomes.

Another is unstable ground. Western had to sink some deep pilings to stabilize two new dorms, and Warren County had to move its Advanced Technology Building, all because of the possibility of cave-ins.

In a system of underground streams and caves, contaminants, fumes and, apparently, radon gas can travel rapidly and pollute unexpectedly.

Karst problems can keep some prime land from being developed, but Crawford said Bowling Green is developing new laws and technology to deal with its landscape. He hopes one proposal, which involves building a man-made wetland to handle runoff, will eliminate some of Bowling Green's unsightly drainage basins.

Still having some geological problems "doesn't mean you can't build a great city," says William Hays Jr., the city's public works director and a professional engineer. "San Francisco is a classic example. You just have to be careful with what you do."

Population: (1990) Bowling Green, 40,641; Warren County, 78,673.

Per capita income: (1987) Warren County: $11,114, or $883 below the state average.

Jobs (1988): Manufacturing 7,212 employees; wholesale/retail 9,638; service 6,739; state/local government, 4,853; contract construction; 1,652.

Big employers (1992) Western Kentucky University, 1,600; Fruit of the Loom Inc., 1,516; Warren County Schools, 1,473; Commonwealth Health Corp., 1,200; General Motors Corp. (Corvette plant), 1,138.

Media: Newspapers—The Park City Daily News, Radio—Six FM stations, WBLG,

WCBZ, WCVK, WDNS, WKYU, WWHR, three AM, WBGN, WKCT, WLBJ, Television: WBKO-TV (ABC) WKNT (Fox), WKYU-TV (PBS); cable available.

Transportation: Air—Bowling Green, Warren County Regional Airport (two paved runways, 6,500 feet and 4,000 feet.) Commercial scheduled air service available 89 miles south at Nashville International Airport. Rail—CSX Transportation. Truck—31 lines serve Bowling Green.

Education: Public School System: Bowling Green Independent, 3,544 students; Warren County, 9,506 students. Western Kentucky University offers associate, bachelor's and master's degrees. The Barren River Educational Center consists of Draughons Junior College and Davidson Technical College.

Topography: Western Kentucky University sits on a hill that dominates the town. The Barren River flows around the city. The community sits on classic karst terrain: underground streams flowing through limestone and dolomite rock have formed caves and sinkholes.

FAMOUS FACTS AND FIGURES

There really was a person named Duncan Hines, and he spent nearly half his life in Bowling Green. In 1935, Hines developed a list of good eateries he'd found while traveling and sent it out as a Christmas card. Soon he was publishing annual guides, such as "Adventures in Good Eating." A sample: The "Baked Injun Porridge" from The Toll House in Whitman, Mass., "certainly makes a fellow wish for hollow legs." Businesses proudly displayed the sign, "Recommended by Duncan Hines," Hines franchised his name to food products. Proctor & Gamble bought the Duncan Hines name in 1956. Hines died in Bowling Green in 1959. His estate is now a funeral home.

Urban Renewal tore down Pauline Tabor's Bowling Green "house" in 1970. But in her day she was well-known too—as "Kentucky's Most Famous Madam" "Pauline's" whorehouse at 627 Clay St. lasted 38 years. When an entrepreneur began selling the bricks from her house as $10 souvenirs (His ad: "The Ideal Gift for the Man Who Has Everything! Give One for Christmas"), Tabor decided to cash in too. She wrote her memoirs, sans names. The $25 deluxe edition of 1972 had a red velvet cover with "Pauline's" embossed in gold on it. The pages were in gold-leaf, and a yellow silk tasseled bookmark was included.

Dinah Shore once played the intersection of Cave Mill road and Nashville road, when she was starting out as a singer. Well, not ON the intersection, but Under it. That's the location of the former Lost River Underground Night Club, built in the Lost River Cave. Its heyday was in the 1930s and 1940s, before air conditioning, when the cave provided relief from the summer heat.

In 1796 Robert Moore built a cabin by a large spring. A year later, Moore, his brother George and another man started a town. County court first convened in the Moore cabin, which also served as a local tavern. Legend says people bowled on the lawn beside the Moore's tavern, and that's how the town became "Bollin Green" in 1798.•

HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY ACT

• Mr. INOUYE. Mr. President, on Thursday, May 21, 1992, Senator AKAKA and I introduced the Hawaiian Islands National Marine Sanctuary Act to designate certain waters adjacent to the Hawaiian Islands as a national marine sanctuary for the humpback whale, and to evaluate additional marine sites and species within the Hawaiian archipelago for possible future inclusion in the sanctuary.

Many of the marine resources, habitats, and ecosystems within the Western Pacific region possess conservation, recreational, ecological, historical, research, educational, and aesthetic qualities which give them special national significance.

The ocean waters surrounding the Hawaiian Islands provide diverse habitats in which may be found unique subtropical marine ecosystems and migratory as well as indigenous species of threatened or endangered marine mammals.

The humpback whale was listed as an endangered species under the Endangered Species Act in June 1970. Current population estimates of the Hawaiian stock of humpback whales range from 1,000 to 3,000 individuals. These figures suggest that the Hawaiian humpback whale population is between 7 to 20 percent of the 15,000 whales that existed prior to exploitation.

The interest in, and support for, the establishment of a humpback whale sanctuary is longstanding. In December 1977, NOAA received a nomination for a humpback whale national marine sanctuary in the waters off the western coast of Maui, Hawaii. On March 17, 1982, NOAA declared the site an active candidate for national marine sanctuary designation. In January 1984, NOAA released the "Proposed Hawaii Humpback Whale National Marine Sanctuary Draft Environmental Impact Statement/Draft Management Plan." Based upon the comments received, subsequent review and consideration of the site was suspended. However, the draft EIS/Management Plan was not withdrawn.

In October 1990, the 101st Congress, at my request, directed the National Oceanic and Atmospheric Administration to conduct a study of the feasibility of establishing a national marine sanctuary in the marine environment adjacent to the Island of Kahoolawe.

The feasibility study concluded, in relevant part, that:

First, the National Marine Sanctuary Program could enhance marine resources protection in Hawaii; second, the humpback whale should be included as a component of a comprehensive, habitat-based management approach to marine resource protection; third, there is preliminary evidence of both biological and cultural/historical resources adjacent to Kahoolawe to merit further investigation for national marine sanctuary status; and fourth, there are additional marine areas within the Hawaiian archipelago that merit further consideration as possible components of a multiple-site national marine sanctuary.

Given these conclusions, the history of the State of Hawaii's and NOAA's prior attempts to establish a humpback whale sanctuary in Hawaiian waters, and recent reports of whale harassment in Hawaiian waters, this legislation designates Hawaiian waters within a 100-fathom isobath around Lanai, Molokai, Maui, Kahoolawe, and Hawaii, and the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Nakalele Point, Maui, and southward, as a national marine sanctuary for the humpback whale. This area supports the highest concentrations of humpback whales in Hawaiian waters.

It is my intention to continue to review this designation in the coming weeks to determine whether additional areas should be included in the boundaries of the humpback whale sanctuary.

In addition, in response to the findings of NOAA's feasibility study, this measure authorizes funds in Fiscal Years 1993 and 1994 to evaluate other potential sites for possible future inclusion in the sanctuary, including biological, cultural, and historical resources adjacent to the Island of Kahoolawe.

This measure includes a provision which allows ongoing Department of Defense activities to continue in a manner that minimizes any impact on humpback whales. New activities will be allowed only if there is no potential for significant adverse impact on humpback whales and their habitat, or if the Secretary of Commerce exempts such new activities based on consideration of the national interest and the purposes of the sanctuary.

The specific impact of this sanctuary designation on the activities of the Department of Defense is still under investigation. It is my intent to work with the Department of Defense over the next few weeks to determine a regime under which defense activities can coexist with the humpback whale sanctuary. In addition, this provision is not intended to exempt the Department of Defense from any responsibilities under other Federal and State laws intended to protect the marine environment including, but not limited to, the Marine Mammal Protection Act, the Endangered Species Act, the Coastal Zone Management Act, and the Hawaii Coastal Zone Management Program, or any other commitments the Department of Defense has made regarding the protection of humpback whales.

In addition, this provision is not intended to set a precedent for any other sanctuaries. The Hawaiian Islands National Humpback Whale Sanctuary is very unique. Since the sanctuary spans the circumference of the islands, there are no alternate access routes, or alternate nearshore areas around these islands to relocate activities.

This measure launches a major initiative to enhance marine resource protection through comprehensive and coordinated conservation and management of marine habitats. This is part of my commitment to continue working to protect Hawaii's natural legacy—for Hawaii's children, grandchildren, and generations to come.●

ANN L. HOLLAND BECOMES INTERNATIONAL PRESIDENT, GFWC

● Mr. KERRY. Mr. President, I am pleased to announce the installation of a constituent of mine, Ann L. Holland, as international president of the General Federation of Women's Clubs. Ms. Holland is an extremely capable and dedicated woman who has been actively involved in the GFWC, as well as several related organizations, for many years.

Ms. Holland has progressed from junior membership in the Falmouth Women's Club to president of that club, and then on to State president of the General Federation of Women's Clubs of Massachusetts. Within the GFWC, Ms. Holland has held the positions of treasurer, recording secretary, second vice president, first vice president and president-elect. For the past 4 years, she has been chairman of the conservation department, where she has projected conservation and energy awareness.

As a function of her membership and chairmanships in the GFWC, Ms. Holland has demonstrated her concern with the public welfare by traveling to individual States and nations to raise awareness in each club of the value of community service. Ms. Holland has also visited Iraq in order to meet with women there and emphasize to them the importance of dedication to the family and women's needs.

In addition to her activism within the GFWC, Ms. Holland has been involved with local Massachusetts organizations such as the Frank Lowell Society of WGBH, Boston's public broadcasting system, and the Massachusetts Society for the Prevention of Cruelty to Children. In 1978, she received the MSPCC Centennial Award for outstanding volunteerism.

Ms. Holland demonstrates the active involvement which should be encouraged in our society as we move into the 21st century. Altruistic individuals, such as Ms. Holland, provide opportunities and advantages to those who are in need. Our society is grateful for the continued support of volunteers who unselfishly give of themselves.

As president of the GFWC, Ms. Holland plans to initiate a literacy program for people of all ages, beginning with pre-school. In addition, Ms. Holland is a member of the Clean Water Foundation steering committee, which will be involved in the 20th anniversary Clean Water Act celebration in October 1992. She intends to promote conservation as a part of her theme: "Concern, Courage, Commitment. A better world for all."

Ms. Holland brings to her presidency a dedication to community service and to the issues of education, the environment, and human rights. She will provide outstanding leadership in the GFWC for many years to come.●

BALANCE THE BUDGET—BY FORCE

● Mr. SIMON. Mr. President, recently, Members have seen editorials written in the New York Times and Washington Post reflecting their consistent stand in opposition to a balanced budget amendment.

I believe that these two publications should reexamine their stand, as some others have, including the Chicago Tribune and columnist, George Will.

David Gergen, editor-at-large at U.S. News & World Report, recently had an excellent editorial on this matter.

In his editorial he points out that in the first 175 years of the Nation's history, 75 percent of the time we balanced the budget. In the last 25 years, 4 percent of the time we have balanced the budget.

I hope Members will reflect on what he has to say.

Mr. President, I ask to insert his editorial into the RECORD at this point.

The editorial follows:

[From U.S. News & World Report, June 1, 1992]

BALANCE THE BUDGET—BY FORCE

(By David Gergen)

In one of his pithier observations, Winston Churchill once said that "Americans can be counted on to do the right thing, after they have exhausted all other options." The politicians of this country have now exhausted a raft of different options to bring our federal finances under control—deficit limits, tax increases, caps on domestic spending, cuts in defense spending—but the nation's budget remains shamefully out of whack. The time has come to recognize that the right thing to do is something we have long resisted: Amend the Constitution so that Congress and the president are required to balance the budget.

A balanced-budget amendment has always represented an indictment of our democratic system. It openly confesses that our elected representatives are incapable of making rational, tough-minded decisions on their own and must be strapped into a straitjacket by force of law. It says that as citizens, we are so unwilling to curb our appetites for more services and fewer taxes that we penalize any politician who demands self-discipline. As Sen. Phil Gramm of Texas says, "Everybody wants to go to heaven, but nobody wants to do what it takes to get there."

Yet for all the inherent flaws and dangers of an amendment, an honest look at our past behavior and the future burdens we are imposing on our children makes a compelling case for its adoption. Isn't it better to accept a forced diet than to gorge ourselves to death? Consider: In the first 175 years of our republic, we balanced the budget or recorded a surplus 60 percent of the time. But since then, as government has exploded in size and scope, we have balanced the books less than 4 percent of the time. In the first 20 decades of the republic, we accumulated a total national debt of $1 trillion; in the past decade, we more than tripled that amount. From 1950 to 1980, Washington's borrowing soaked up less than 10 percent of our national savings pool; since 1980, federal deficits have sucked in roughly two thirds of our private savings. As a result, our rate of gross investment has been too low (in recent years, half of Japan's as a percentage of gross domestic product), our interest rates too high, and now our job creation is too slow. Total interest payments on the national debt will climb in the next fiscal year to $315 billion, the largest single item in the budget; of that, Washington will send some $40 billion to foreign creditors, more than it will spend on educating our children.

Momentum is now building in Congress to pass Sen. Paul Simon's budget amendment before the July recess and send it forward to the states, where more than 30 have signaled an eagerness to embrace it. Opponents rightly charge that many in Congress are acting out of desperation, anxiously trying to appease voters with something—anything—before the anti-incumbent mood sweeps them from power. The true test to apply to a candidate this fall is not whether he favors an amendment but whether he also shows constituents what services he will cut and what taxes he will raise.

To reach balance will require wrenching changes, especially in federal services. Since 1979, contrary to popular myth, federal spending has shot up from 20 percent to 25 percent of GDP, a level we haven't seen since the aftermath of World War II. Double-digit inflation has pushed the cost of Medicaid and Medicare to $200 billion this year; these costs will escalate to $600 billion in a decade. A balanced-budget amendment will clearly bring a crunch in Medicare and Medicaid, prompting the biggest overhaul of health care in this century. As it decides where to cut, Washington must also decide what priorities may demand more resources. How, for example, will we become a more productive, cohesive nation unless we fully fund Head Start? Inevitably, we must face up to the prospect of higher taxes.

But we can no longer flinch from reality; we can no longer afford the illusion that we can borrow our way to prosperity. President Bush, who shares responsibility with the Democratic Congress for the dreadful state of our finances, should now work with Capitol Hill to ensure that an amendment to the Constitution is carefully and wisely drawn, that the country is fully informed of the consequences and that we move forward immediately—no more mañanas—to restore our financial solvency. Somehow 49 out of our 50 states have learned to live within laws requiring balanced books; surely Washington can do the same.●

THE PEACE IN ANGOLA MATURES

● Mr. DECONCINI. Mr. President, today I would like to speak about an issue which, while not on the front page of today's newspapers, is of no less importance than other newsworthy events. Sunday marked the first anniversary of the signing of the Estoril accords in Lisbon which resulted in a cease-fire between rival forces of UNITA and the Angolan Government in their 16-year civil war. The fact that the cease-fire

has been observed intact for 1 year is significant in and of itself. There is, however, a potentially greater threat to a real Angolan peace, and that is the seeming apathy and indifference from the international community to the very real problems facing the Angolan parties as they work toward national elections in September.

A return to a state of war is unacceptable for all those involved. It is now the duty of the United States Government, and the international community as a whole, to work with the Angolan people to achieve our common and long-sought goal—free and democratic elections in Angola. We must continue to push for these free elections. The United Nations must be more forceful and continue prodding both sides which, alternately, appear reluctant to pursue the September elections with the same gusto with which they prosecuted the war.

Originally, the MPLA and UNITA tried to solve their problems through violence. The losers in this effort were the people of Angola. All sides now recognize that no one can—or will—triumph over the other militarily and that fighting only led to stalemate. Moreover, the people of Angola are tired of war and they are getting used to peace. They realize that democratic elections are essential to their future. They recognize that elections are the only way that their voices will be heard, and their needs met. Regardless of which party wins the September elections, the fact that elections are held, and that they are free and fair, will be a tribute to the Angolan people—for they will be the true winners.

While we are celebrating this significant anniversary, we cannot overlook the gross injustices which continue to be suffered by the people of this country. Violations of civil rights and of promises agreed to in the Estoril accords by the government persist. UNITA has also had problems in fulfilling parts of the accords. Political prisoners must be freed by both sides and complete access to all areas of the country by both sides must be ensured.

It is clear that both UNITA and the government must do more to meet the spirit, as well as the letter, of the accords. It is also incumbent upon the guarantors of the accords—the United States, Russia, and Portugal—to forcefully get this message across to the leadership of the parties.

Also, while UNITA has completed its internal investigation into the deaths of Tito Chingunji and Wilson dos Santos, many questions remain about their deaths and the deaths of their family members. As I said in my statement of March 26, an impartial, outside investigation should be convened to clear the air and get to the bottom of this tragic controversy. This call has been picked up by others, notably Senator BOREN, chairman of the Intelligence Committee. Regardless of who is responsible for these actions, the people of Angola deserve to know all of the facts surrounding this case, preferably prior to the elections. The investigation must be handled in a professional and rational manner, and the results distributed on a timely basis. The deaths of these men, however, must not be debased and used for political gain.

As I have repeatedly stated to representatives of UNITA and the MPLA, among others, the new, freely elected government must realize that the United States will not tolerate abuses of the Angolan people's human rights. Nor will we provide aid to any government involved in human or civil rights violations. The United States bears a clear responsibility in helping to rebuild war-torn Angola. But at the same time, the new Angolan Government also has a responsibility—to its people and its future donors. The Angolan people have suffered too long. They must be afforded the rights that all people deserve.

To this end, we must ensure in the difficult months ahead that we do not lose track of our ultimate goal—free elections. All nations and international organizations must join the people of Angola in ensuring that free elections are held in Angola in September. These elections represent the greatest opportunity for the Angolan people to recapture their future.

In closing, I realize that many people here in the United States may now view this process with the kind of importance that it deserves. Because, as Americans, we are guaranteed the rights about which Angolans can only dream, we tend to take them for granted. But we must remember that we fought our own revolution and civil war to gain and then maintain these rights. I believe that we must do all that we can to ensure that the Angolans are given the opportunity to experience life as it should be—with freedom, equality, and democracy for every citizen.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel K. Inouye:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Senator Ted Stevens:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Richard L. Collins:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Steve Cortese:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Peter D. Lennon:									
United States	Dollar		22.18		4,008.40				4,030.58
Belgium	Franc	14,833	474.82					14,833	474.82
Germany	Dollar		718.08						718.08
Italy	Lira	416,560	341.45					416,560	341.45

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Franc	3,279	676.80					3,279	676.80
United Kingdom	Pound	350.14	616.23					350.14	616.23
Senator Warren B. Rudman:									
Germany	Deutsche mark	351	222.55					351	222.55
David H. Morrison:									
Belgium	Franc	15,430	493.91					15,430	493.91
Germany	Dollar		712.93						712.93
Italy	Lira	407,000	333.61					407,000	333.61
France	Franc	4,452	807.99					4,452	807.99
United Kingdom	Pound	422.90	742.96					422.90	742.96
United States	Dollar		22.00		3,934.44				3,956.44
William P. Jones:									
Japan	Yen	268,201	2,156.00	48,160	387.00				2,543.00
United States	Dollar				2,517.00				2,517.00
Rand Fishbein:									
United States	Dollar				3,047.80				3,047.80
Germany	Dollar		294.00				20.00		314.00
Turkey	Dollar		378.00						378.00
Total			18,565.51		13,894.64		20.00		32,480.15

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Apr. 27, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tim Rieser:									
Ethiopia	Dollar		427.00						427.00
United States	Dollar				1,981.45				1,981.45
Jerry L. Bonham:									
Germany	Deutsche mark	712.32	448.00					712.32	448.00
Switzerland	Franc	270.52	190.00	74.00	52.00			344.52	242.00
Austria	Schilling	10,062.61	876.00					10,062.61	876.00
Italy	Lira	1,115.28	2,267.00					1,115.28	2,267.00
Austria	Deutsche mark			97.40	61.30			97.40	61.30
Germany	Deutsche mark			125.61	79.00			125.61	79.00
United States	Dollar				1,056.00				1,056.00
Scott B. Gudes:									
Finland	Finnmark	906.5	210.00					906.5	210.00
U.S.S.R. Ukraine, Latvia, Lithuania	Dollar		1,052.00						1,052.00
United Kingdom	Sterling	270	488.00					270	488.00
United States	Dollar				3,506.00				3,506.00
John G. Shank:									
Finland	Finnmark	1,122.3	260.00					1,122.3	260.00
U.S.S.R. Ukraine, Latvia, Lithuania	Dollar		1,100.00						1,100.00
United Kingdom	Sterling	464.4	840.00					464.4	840.00
United States	Dollar				3,506.00				3,506.00
Total			8,158.00		10,241.75				18,399.75

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Feb. 26, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Romie L. Brownlee:									
Panama	Dollar		364.00						364.00
Colombia	Peso	129,412	207.00					129,412	207.00
Peru	Sole	150	150.00					150	150.00
Durwood W. Ringo, Jr.:									
United Kingdom	Pound	264.83	482.00					264.83	482.00
Germany	Deutsche mark	894.54	570.50					894.54	570.50
Romie L. Brownlee:									
United Kingdom	Pound	264.83	482.00					264.83	482.00
Germany	Deutsche mark	894.54	570.50					894.54	570.50
William H. Smith:									
Japan	Yen	207,250	1,666.00			43,450	350.00	250,790	2,016.00
	Dollar				2,921.70				2,921.70
Senator Jeff Bingaman:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
Patrick F. VonBargen:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
John P. Gerhart:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
Senator J. James Exon:									
Commonwealth of Independent States	Dollar		1,065.00						1,065.00
Senator Carl Levin:									
Commonwealth of Independent States	Dollar		1,035.00						1,035.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Strom Thurmond:									
Commonwealth of Independent States	Dollar		1,064.50						1,064.50
Richard E. Combs, Jr.:									
Commonwealth of Independent States	Dollar		1,014.00				741.87		1,755.87
Brian D. Dailey:									
Commonwealth of Independent States	Dollar		1,075.00						1,075.00
George W. Lauffer:									
Commonwealth of Independent States	Dollar		974.50						974.50
Andrew W. Johnson:									
Commonwealth of Independent States	Dollar		1,099.52						1,099.52
Brian D. Dailey:									
United Kingdom	Pound	306.60	576.00					306.60	576.00
Israel	Dollar		686.00						686.00
Egypt	Pound	1249	374.00					1249	374.00
Saudi Arabia	Riyal	56.25	15.00					56.25	15.00
Bahrain	Dinar	175.60	466.00					175.60	466.00
Kuwait	Dollar		300.00						300.00
Judith A. Ansley:									
Israel	Dollar		445.00						445.00
Egypt	Pound	1,250	374.00					1,250	374.00
Saudia Arabia	Riyal	37.50	10.00					37.50	10.00
Bahrain	Dinar	175.66	466.00					175.66	466.00
Kuwait	Dollar		255.00						255.00
Turkey	Dollar		171.00						171.00
Ann E. Sauer:									
Israel	Dollar		706.00						706.00
Egypt	Pound	1,249.91	374.00					1,249.91	374.00
Bahrain	Dinar	175.66	466.00					175.66	466.00
Kuwait	Dollar		290.00						290.00
United Kingdom		306.60	576.00					306.60	576.00
Senator John McCain:									
Germany	Deutsche mark	67.47	43.73					67.47	43.78
Senator John Glenn:									
Germany	Deutsche mark			20	12.68			20	12.68
Romie L. Brownlee:									
Germany	Deutsche mark	920.97	584.00					920.97	584.00
Judith A. Ansley:									
Germany	Deutsche mark	713.80	452.64					713.80	452.64
Brian D. Dailey									
Germany	Deutsche mark	920.97	584.00					920.97	584.00
James M. Bodner:									
Germany	Deutsche mark	570.97	362.06					570.97	362.06
Marshall A. Salter:									
Germany	Deutsche mark	920.97	584.00					920.97	584.00
Senator Sam Nunn:									
Commonwealth of Independent States	Dollar		785.00						785.00
Robert G. Bell:									
Commonwealth of Independent States	Dollar		950.00						950.00
Richard E. Combs, Jr.:									
Commonwealth of Independent States	Dollar		832.00						832.00
Rose Johnson:									
Commonwealth of Independent States	Dollar		938.00						938.00
Brian D. Dailey:									
Commonwealth of Independent States	Dollar		1,025.00						1,025.00
Senator William S. Cohen:									
Germany	Deutsche mark	21.45	13.60					21.45	13.60
Senator Connie Mack:									
Commonwealth of Independent States	Dollar		925.00						925.00
Senator Jeff Bingaman:									
Commonwealth of Independent States	Dollar		800.00						800.00
Edward McGaffigan, Jr.:									
Commonwealth of Independent States	Dollar		908.00						908.00
Senator John W. Warner:									
Commonwealth of Independent States	Dollar		775.00						775.00
Patrick A. Tucker:									
Commonwealth of Independent States	Dollar		925.00						925.00
Total			37,302.60		2,934.38		2,591.87		42,828.85

SAM NUNN,
Chairman, Committee on Armed Services, Apr. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven O. Palmer:									
Canada	Dollar	692.52	613.94			470.00	416.67	1,162.52	1,030.61
United States	Dollar				277.70				277.70
Ivan A. Schlager:									
Switzerland	Franc	1,930	1,368.00					1,930	1,368.00
United States	Dollar				708.00				708.00
Daniel A. Nelson:									
England	Pound	512.02	920.00					512.02	920.00
Italy	Lira	740,982	618.00					273,982	618.00
France	Franc	2,732.40	506.00					2,732.40	506.00
United States	Dollar				2,573.90				2,573.90
Senator Larry Pressler:									
England	Pound	768.03	1,380.00					768.03	1,380.00
Italy	Lira	740,982	618.00					740,982	618.00
France	Franc	2,732.40	506.00					2,732.40	506.00
United States	Dollar				6,445.90				6,445.90

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			6,529.94		10,005.50		416.67		16,952.11

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation,
Feb. 7, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Simeon Spencer:									
Japan	Yen	316,598	2,532.78	23,780	194.24	236,568	1,892.54	576,946	4,619.56
United States	dollar				3,095.00				3,095.00
Total			2,532.78		3,289.24		1,892.54		7,714.56

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL DEC. 3–6, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
Puerto Rico	Dollar		232.22						232.22
Senator Malcolm Wallop:									
Puerto Rico	Dollar		232.22						232.22
Senator Don Nickles:									
Puerto Rico	Dollar		232.22						232.22
Mark Whitenton:									
Puerto Rico	Dollar		232.22		3.20				235.42
Daryl Owen:									
Puerto Rico	Dollar		232.22		3.20				235.42
Benjamin Cooper:									
Puerto Rico	Dollar		232.22		3.20				235.42
Allen Stayman:									
Puerto Rico	Dollar		232.22		3.20				235.42
G. Robert Wallace:									
Puerto Rico	Dollar		232.22		3.20				235.42
James Beirne:									
Puerto Rico	Dollar		232.22		3.20				235.42
Nancy Blush:									
Puerto Rico	Dollar		232.22		3.20				235.42
Laura Hudson:									
Puerto Rico	Dollar		232.22		3.20				235.42
Frank Cushing:									
Puerto Rico	Dollar		232.22		3.20				235.42
D. Michael Harvey:									
Puerto Rico	Dollar		232.22						232.22
Delegation expense:[1]									
Puerto Rico	Dollar						1,801.20		1,801.20
Total	Dollar		3,018.86		28.20		1,801.20		4,848.86

[1] Delegation expenses were paid and per diem expenses were reimbursed to the Department of Defense under authority of S.R. 179, agreed to May 25, 1977.

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Akaka:									
Marshall Islands	Dollar				816.20				816.20
Allen P. Stayman:									
Marshall Islands	Dollar				816.20				816.20
James P. Beirne:									
Marshall Islands	Dollar				816.20				816.20
G. Robert Wallace:									
Marshall Islands	Dollar				816.20				816.20
Patrick McGarey:									
Marshall Islands	Dollar				816.20				816.20
James O'Toole:									
Marshall Islands	Dollar				816.20				816.20
Benjamin S. Cooper:									
Japan	Yen	1,375.94	1,014.26	24,500	180.60	10,280	75.78		1,270.64

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
	Dollar				34.00		120.80		154.80
Micronesia	Dollar				3,565.93				3,565.93
Marshall Islands	Dollar				816.20				816.20
Total			1,014.26		9,493.93		196.58		10,704.77

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
G. Robert Wallace:									
Saipan	Dollar		140.80						140.80
Guam	Dollar		258.98				5.40		264.38
Total			399.78				5.40		405.18

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John D. Rockefeller IV:									
Japan	Yen	210,982	1,696.00	23,310	186.48			234,292	1,882.48
United States	Dollar				5,591.00				5,591.00
Randolf H. Hardock									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	62.50	36.58			795.45	465.58
France	Franc	4,334.40	840.00	136	26.36			4,470.40	866.36
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
Richard A. Lauderbaugh:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	72.50	42.43			805.45	471.43
France	Franc	4,334.40	840.00	150	29.07			4,484.40	869.07
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
Edmund J. Mihalski:									
Germany	Deutsche mark	905.76	612.00	10	6.76			915.76	618.76
Netherlands	Guilder	732.95	429.00	72.50	42.43			805.45	471.43
France	Franc	4,334.40	840.00	112	21.71			4,446.40	861.71
England	Pound	528.27	952.00	30.45	54.87			558.72	1,006.87
United States	Dollar				2,297.00				2,297.00
Lisa Potetz:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	62.50	36.58			795.45	465.58
France	Franc	4,334.40	840.00	110	21.32			4,444.40	861.32
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
Roy J. Ramthun:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	77.50	45.36			810.45	474.36
France	Franc	4,334.40	840.00	86	16.67			4,420.40	856.67
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
William A. Reinsch:									
Japan	Yen	210,982	1,696.00	23,310	186.48			234,292	1,882.48
United States	Dollar				3,095.00				3,095.00
Marina L. Weiss:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	67.50	39.51			800.45	468.51
France	Franc	4,334.40	840.00	70	13.57			4,404.40	853.47
England	Pound	528.27	952.00	31.65	57.04			559.92	1,009.04
United States	Dollar				2,297.00				2,297.00
Total			20,390.00		23,536.30				43,926.30

LLOYD BENTSEN,
Chairman, Committee on Finance, Apr. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan Cranston:									
Russia	Dollar		1,300.00						1,300.00
Senator Richard G. Lugar:									
Uruguay	Peso	620,750	250.00					620,750	250.00
Argentina	Austral	210	207.00					210	207.00
Chile	Peso	28,163	75.00					28,163	75.00
Nicaragua	Dollar		216.00						216.00
El Salvador	Colon	1,100.24	136.00					1,100.24	136.00
Russia	Dollar		1,150.00						1,150.00
Senator Daniel P. Moynihan:									
India	Rupee	31,914	1,236.00					31,914	1,236.00
Senator Claiborne Pell:									
Russia	Dollar		625.00						625.00
United States	Dollar				2,925.90				2,925.90
Senator Larry Pressler:									
Germany	Mark	1,381.45	876.00					1,381.45	876.00
United Kingdom	Pound	815.93	1,485.00					815.93	1,485.00
United States	Dollar				3,598.80				3,598.80
United Kingdom	Pound	306.74	576.00					306.74	576.00
Pakistan	Rupee	1,095	44.26					1,095	44.26
India	Rupee	27,292	1,052.93	1,149	44.33			28,441	1,097.26
Sri Lanka	Rupee	687.50	16.12					687.50	16.12
United States	Dollar				8,110.90				8,110.90
Martin Andersen:									
Russia	Dollar		1,350.00						1,350.00
Jennifer Brick:									
Philippines	Peso	22,690.65	852.50	165.00	6.20			22,855.65	858.70
United States	Dollar				2,392.00				2,392.00
Geryld B. Christianson:									
Russia	Dollar		1,391.00						1,391.00
Austria	Schilling	7,301.70	684.00					7,301.70	684.00
United States	Dollar				3,403.70				3,403.70
Adwoa Dunn-Mouton:									
Canada	Dollar	439.33	372.00					439.33	372.00
United States	Dollar				373.14				373.14
Peter W. Galbraith:									
India	Rupee	24,426	946.00					24,426	946.00
United States	Dollar				6,254.00				6,254.00
Thomas G. Hohenthaner:									
Pakistan	Rupee	595	24.05					595	24.05
India	Rupee	27,292	1,052.93	1,149	44.33			28,441	1,097.26
Sri Lanka	Rupee	600.50	14.08					600.50	14.08
United States	Dollar				5,178.90				5,178.90
Richard Kessler:									
Philippines	Peso	27,534.87	1,034.50					27,534.87	1,034.50
Philippines				2,837	106.59			2,837	106.59
United States	Dollar				2,396.00				2,396.00
Michelle Maynard:									
Russia	Dollar		650.00						650.00
United States	Dollar				2,798.90				2,798.90
Kenneth A. Myers:									
Russia	Dollar		1,150.00						1,150.00
Richard McCall:									
El Salvador	Colon	4,800	600.00					4,800	600.00
United States	Dollar				1,005.00				1,005.00
George A. Pickart:									
Morrocco	Dirham	5,637.25	700.00					5,637.25	700.00
United States	Dollar				2,988.80				2,988.80
Andrew K. Semmel:									
El Salvador	Colon	3,048.75	358.58					3,048.75	358.58
United States	Dollar				971.00				971.00
Uruguay	Peso	620,750	250.00					620,750	250.00
Argentina	Austral	210	207.00					210	207.00
Chile	Peso	28,163	195.00					28,163	195.00
Nicaragua	Dollar		216.00						216.00
Amendments to 4th Quarter of 1991:									
Anne Smith:									
Ukraine	Dollar		640.00						640.00
Moldavia	Dollar		576.00						576.00
Lithuania	Dollar		820.00						820.00
United States	Dollar				2,102.80				2,102.80
Deborah DeMoss:									
Cuba	Dollar		600.00						600.00
Dominican Republic	Peso	7,017	389.00					7,017	389.00
United States	Dollar				547.40				547.40
Total			24,317.95		45,248.69				69,566.64

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Apr. 16, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Manus Cooney:									
Switzerland	Franc	1,527.80	1,086.01					1,527.80	1,086.01
United States	Dollar				1,828.00				1,828.00
Karen Robb:									
Switzerland	Franc	1,527.78	1,085.99					1,527.78	1,085.99
United States	Dollar				1,828.00				1,828.00
Darrell Panethiere:									
Switzerland	Franc	1,273.15	904.99					1,273.15	904.99

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				1,828.00				1,828.00
J. Michael Myers:									
United States	Dollar				431.80				431.80
Haiti	Gourde	3,008.20	356.00					3,008.20	356.00
Nancy Soderberg:									
United States	Dollar				431.80				431.80
Haiti	Gourde	3,008.20	356.00					3,008.20	356.00
Richard Day:									
Haiti	Gourde	3,008.20	356.00					3,008.20	356.00
United States	Dollar				431.80				431.80
Janis Long:									
Japan	Yen	254,044	2,075.00					254,044	2,075.00
United States	Dollar				3,042.00				3,042.00
Total			6,219.99		9,821.40				16,041.39

JOSEPH R. BIDEN,
Chairman, Committee on the Judiciary, Apr. 10, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754 (b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. Michael Myers:									
Jordan	Dinar	253.145	372.00					253.145	372.00
Israel	Dollar		820.00						820.00
Turkey	Lira	3,314,885	662.00					3,314,885	662.00
United States	Dollar				4,166.80				4,166.80
Nancy Soderberg:									
Jordan	Dinar	253.415	372.00					253.415	372.00
Israel	Dollar		820.00						820.00
Turkey	Lira	3,314,885	662.00					3,314,885	662.00
United States	Dollar				4,166.80				4,166.80
Todd Stern:									
Switzerland	Dollar		1,026.00						1,026.00
John S. Bliss:									
Switzerland	Dollar		1,226.00						1,226.00
Karen Robb:									
Switzerland	Franc	1,511.2682	1,026.00					1,511.2682	1,026.00
Darrell Panethiere:									
Switzerland	Franc	1,259	855.00					1,259	855.00
United States	Dollar				3,268.00				3,268.00
Richard W. Day:									
United States	Dollar				3,911.00				3,911.00
Switzerland	Franc	624.30	442.00					624.30	442.00
Syria	Dollar		404.00						404.00
Jordan	Dinar	379.715	558.00					379.715	558.00
Israel	Dollar		410.00						410.00
England	Pound	156.68	280.00					156.68	280.00
Jerry Tinker:									
United States	Dollar				3,793.00				3,793.00
Switzerland	Franc	1,248.65	884.00					1,248.65	884.00
Jordan	Dinar	379.60	558.00					379.60	558.00
Israel	Dollar		820.00						820.00
Total			12,197.00		19,305.60				31,502.60

JOSEPH R. BIDEN,
Chairman, Committee on the Judiciary, Feb. 7, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JAN. 1 TO MAR. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ricardo Zuniga:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
United States	Dollar				3,042.00				3,042.00
Total			2,482.00		3,042.00		500.00		6,024.00

EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Apr. 10, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter Dorn			1,753.00		3,941.00				5,694.00
Gary Sojka			2,358.00				300.00		2,658.00
Christopher Straub			1,179.00		5,297.00				6,476.00
John Moseman			1,259.00		5,294.00				6,553.00
Timothy Carlsgaard			282.00		238.00				520.00
Michael Hathaway			282.00		238.00				520.00
John Despres			2,543.00		3,198.00				5,741.00
Total			9,656.00		18,206.00		300.00		28,162.00

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Apr. 1, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(B), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sturtevant			1,106.00		2,429.50				3,535.50
Total			1,106.00		2,429.50				3,535.50

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Apr. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Addendum to third quarter of 1991 report									
Delegation expenses [1]					2,304.82		7,149.35		9,454.17
Total					2,304.82		7,149.35		9,454.17

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of Public Law 95–384 and S. Res. 179, agreed to May 25, 1977.

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Mar. 15, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM MAR. 25, TO APR. 3, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator David Boren			1,596.00						1,596.00
George J. Tenet			1,596.00						1,596.00
John Deeken			1,596.00						1,596.00
Christopher Mellon			1,596.00						1,596.00
Richard Combs			1,482.00		1,378.20				2,860.20
Marin Strmecki			1,596.00						1,596.00
Senator John Chafee			1,596.00						1,596.00
Delegation expenses [1]					1,105.80		13,960.85		15,066.65
Total			11,058.00		2,484.00		13,960.85		27,502.85

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of Public Law 95–384 and S. Res. 179, agreed to May 25, 1977.

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Mar. 25, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dorothy Robyn:									
United States	Dollar				3,042.00				3,042.00
Japan	Yen	207,250	1,666.00	25,020	201.13	18,520	148.87	250,790	2,016.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,666.00		3,243.13		148.87		5,058.00

PAUL S. SARBANES,
Chairman, Joint Economic Committee, Mar. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Albert Gore, Jr.:									
Switzerland	Franc	924.90	663.00			166.73	119.52	1091.63	782.52
United States	Dollar				2,828.00				2,828.00
Kathleen A. McGinty:									
Switzerland	Franc	650.07	466.00			166.73	119.52	816.80	585.52
United States	Dollar				727.00				727.00
Total			1,129.00		3,555.00		239.04		4,923.04

GEORGE J. MITCHELL,
Majority Leader, Feb. 5, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS FOR TRAVEL JAN. 5–16, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frances Zwenig:									
Thailand	Baht	9,972	395.24					9,972	395.24
Cambodia	Dollar		128.00						128.00
Laos	Dollar		69.00						69.00
Vietnam	Dollar		184.00						184.00
Hong Kong	Dollar	1,493.80	192.67					1493.80	192.67
United States	Dollar				1,763.30				1,763.30
Sally Walsh:									
Thailand	Baht	10,000	400.00					10,000	400.00
Cambodia	Dollar		158.00						158.00
Laos	Dollar		69.00						69.00
Vietnam	Dollar		225.00						225.00
Hong Kong	Dollar	1,500	193.47					1,500	193.47
United States	Dollar				1,763.30				1,763.30
Delegation expenses:[1]									
Thailand							445.51		445.51
Cambodia							209.63		209.63
Laos							209.63		209.63
Vietnam							525.63		525.63
Hong Kong							209.63		209.63
Total			2,014.38		3,526.60		1,600.03		7,141.01

[1] Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S.Res. 179, agreed to May 25, 1977.

GEORGE MITCHELL,
Majority Leader.
ROBERT DOLE,
Republican Leader, May 7, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Denmark	Dollar		856.00						856.00
United States	Dollar				1,748.10				1,748.10
R. Ian Butterfield:									
Denmark	Dollar		856.00						856.00
United States	Dollar				1,655.10				1,655.10
Total			1,712.00		3,403.20				5,115.20

ROBERT J. DOLE,
Republican Leader, Mar. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Australia	Dollar		646.00						646.00
New Zealand	Dollar		115.00						115.00
United States	Dollar				3,191.00				3,191.00
Daniel Bob:									
Australia	Dollar		646.00						646.00
New Zealand	Dollar		225.00						225.00
United States	Dollar				3,170.00				3,170.00
Total			1,632.00		6,361.00				7,993.00

ROBERT J. DOLE,
Republican Leader, Mar. 3, 1992.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Gail Davis, a member of the staff of Senator FORD, to participate in a program in Korea, sponsored by the Korea Institute for International Economic Policy, from May 23-30, 1992.

The committee has determined that participation by Ms. Davis in this program, at the expense of the Korea Institute for International Economic Policy, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Korea, sponsored by the Korea Institute for International Economic Policy, from May 23-30, 1992.

The committee has determined that participation by Mr. Ashby in this program, at the expense of the Korea Institute for International Economic Policy, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Paula C. Jacobson, a member of the staff of Senator MOYNIHAN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25-31, 1992.

The committee has determined that participation by Ms. Jacobson in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Alfred E. Bundrick, a member of the staff of Senator THURMOND, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25-31, 1992.

The committee has determined that participation by Mr. Bundrick in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Daniel E. Bob, a member of the staff of Senator ROTH, to participate in a program in Korea, sponsored by the Ministry of Foreign Affairs on the Republic of Korea, from May 25-29, 1992.

The committee has determined that participation by Mr. Bob in this program, at the expense of the Ministry of Foreign Affairs of the Republic of Korea, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Stuart Feldman, a member of the staff of Senator HATCH, to participate in a program in Korea, sponsored by the Ministry of Foreign Affairs on the Republic of Korea, from May 23-29, 1992.

The committee has determined that participation by Mr. Feldman in this program, at the expense of the Ministry of Foreign Affairs of the Republic of Korea, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Niles L. Godes, a member of the staff of Senator BURDICK, to participate in a program in Taiwan, sponsored by Tamkang University, from May 23-30, 1992.

The committee has determined that participation by Mr. Godes in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mary Wakefield, a member of the staff of Senator BURDICK, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from May 23-30, 1992.

The committee has determined that participation by Ms. Wakefield in this program, at the expense of the Hanns Seidel Foundation, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Charles Penry, a member of the staff of Senator HEFLIN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25-31, 1992.

The committee has determined that participation by Mr. Penry in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for Ramona J. Lessen, a member of the staff of Senator PRESSLER, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 23-30, 1992.

The committee has determined that participation by Ms. Lessen in this program, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for Todd Andrews, a member of the staff of Senator PELL, to participate in a program in Korea, sponsored by the Korea Economic Institute in cooperation with the Korean Ministry of Foreign Affairs, from May 24-30, 1992.

The committee has determined that participation by Mr. Andrews in this program, at the expense of the Korea Economic Institute and the Korean Ministry of Foreign Affairs, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for Laura Marcus, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25-31, 1992.

The committee has determined that participation by Ms. Marcus in this program, at the expense of the Chinese

Culture University, is in the interest of the Senate and the United States.•

POPULATION AND ENVIRONMENT

• Ms. MIKULSKI. Mr. President, this week the world's attention will be focused on the Rio environmental summit. Unfortunately, the world has a tendency to consider various threats to the environment—global warming, deforestation, air and water pollution—without taking into account the key underlying factor behind these trends: population growth.

This week's Economist contains an excellent editorial, which spells out the immediate threat of population increases to the environment and to the quality of life in the developing world. I ask that excerpts from the editorial be included at this point in the RECORD.

The excerpts follows:

[From the Economists, May 30, 1992]

THE QUESTION RIO FORGETS

BEGIN AT HOME

Population growth can be slowed down only if the countries in which it is occurring are persuaded that it is a bane, not a boon. Some are still ambivalent, as are those western economists who argue that more people will bring more investment and innovation, just as they did in Victorian times. Such arguments misunderstand the scale and speed of what is happening.

By the middle of the next century, world population will almost certainly have doubled. Before it eventually levels off, it may have quadrupled. Most of these extra people will be crowed into the third world, mainly in the countries that already find it hardest to provide food, water, jobs and health care for their people. By 2050 Bangladesh, which now has 113m people, may have 245m. Its population density, already almost double that of Holland, would then be 1,700 people per square kilometre (4,400 per square mile). Nigeria, with roughly the same population as Bangladesh today, may have about 440m people by mid-century.

Countries that are rich and skillfully run can accommodate large populations, living cheek by jowl. But apart from a few city-states—Singapore, Hong Kong, Bermuda—no society has even managed people living as tightly packed at the citizens of Java or Rwanda will be in 60 year time. Today only a handful of countries (South Korea, Holland, Bangladesh) have more than 400 people per square kilometre. By the middle of the next century, as the World Bank's latest "World Development Report" points out, one-third of humanity will probably live in countries with these densities. Many of them will be crammed into cities that will make today's versions seem almost cosy. Keeping these monsteropolises quite will become the main preoccupation of third-world politicians.

Rapid population growth is a brake on economic development. For example, if Nigeria is to provide all its people with clean drinking water by 2030, it must quadruple the number of connections to the water supply in cities and increase them almost ninefold in the countryside. If Indians are to increase the amount of cereal they eat by 40%, taking them up to a decent diet, they will have to quadruple the amount of fertiliser they use. Crop yields can be increased enough in most countries to provide people with as much to eat as they have now, but only if irrigation, fertilisers and farming techniques are applied at least as efficiently as in America. A few countries will not have even that option. Bangladesh will get enough food only if, like Hong Kong, it converts its peasants into factory workers and becomes in effect the world's largest city-state.

Population growth also threatens the environment. As numbers increase, traditional farming methods become corrupted. Land can no longer be left fallow between crops; cultivation extends up fragile hillsides, so the rain floods down and the soil erodes; the forests, grasslands and swamps in which the world's dwindling wildlife services are cleared, whether or not they can sustain agriculture. An estimated 60% of third-world deforestation is caused not by logging but by land-hunger. Population pressure will confront many poor countries with a choice between (a) using farmland more intensively, which involves the risk of pesticide pollution and soil exhaustion; and (b) using more land, which carries the risk of desertification (an ugly word for an ugly business).

Yet many third-world leaders are wary of first-world efforts to persuade them to curb fertility. They suspect that the affluent north is mainly terrified by the prospect of hordes of swarthy immigrants, and more concerned for the future of the elephant than for the lives of black and brown babies. Even if that were true, third-world governments have a duty to their own citizens to give them the same right to choose the size of their families as people in rich countries already enjoy.

At present, roughly 300m couples worldwide say they want family-planning services but cannot get them. In Bolivia and Ghana, for example, 35% of couples complain that they do not have the contraception they want. Simply by providing a more user-friendly and reliable service, fertility can be reduced. It is particularly important to offer privacy, confidentiality and security of supply. In Kenya, the provision of a much better service has boosted the use of contraception from 17% of couples to 27% in a mere five years; in Bangladesh, the result has been a two-point fall in the fertility rate, with two-fifths of Bangladesh couples using contraceptives.

But access to contraception is not the only determination of family size. Japan's contraceptive use is roughly that of Costa Rica; its fertility rate is less than half. In the mid-19th century fertility in America, where land was plentiful, was one-third higher than in France, where the law divided farms into ever-tinier holdings. Though contraception matters, so do attitudes. For people to want to have fewer children, the incomes of the poor must increase and child mortality must decline.

Above, all, women need schools and jobs. Studies by the World Bank have shown that, when women have no secondary education, they have on average seven children; if even 40% of women have been to secondary school, family size drops to three children. Better-educated women have healthier babies, too. If they are farmers, they are better at managing the environment on which their livelihood depend. And they are more likely to find employment, financial independence and thus the sexual independence they need to decide how many babies to bear. Educating women may be less intellectually challenging then keeping the planet cool, but few investments do more for development and the environment.•

DISTRICT MANAGER RETIRES

• Mr. D'AMATO. Mr. President, I am proud to stand here today to pay tribute to a man who personifies the very best of America, Mr. Walter Lewchuk. Walt is retiring after more than 30 years of distinguished public service. Most recently, Walt served as district manager of the Buffalo Social Security office.

Walt's many years of tireless public service are to be commended. His dedication and leadership over the years is an inspring example for others to follow. Walt has spent his life serving others from different posts within the Social Security Administration. Walt has served from 1961 through the present as claims representative, field representative, unit supervisor, administative assistant, assistant district manager, and district manager for Social Security.

Walt Lewchuk is a devoted husband, married to wife Helen, and father of one, daughter, Michelle. Two of Mr. Lewchuck's favorite pastimes are golfing and gardening.

Mr. Lewchuk has been of service to the people of New York, New Jersey, Pennsylvania, and St. Thomas for the past 30 years. He is a great guy and it gives me great pleasure to salute him today. I expect that Walt's retirement will be filled with continued success and prosperity.•

TENTH ANNUAL CHALDEAN COMMENCEMENT

• Mr. RIEGLE. Mr. President, I rise to salute the Chaldean Federation of America on the occasion of the 10th annual commencement of Chaldean college and high school graduates. Held at Our Lady of Chaldeans Cathedral in Southfield, MI, this important gathering salutes the educational achievements of the community's youth who have completed their secondary and college education. Over 1,000 people will be in attendance on June 18, 1992, not only to honor these graduates but also to stress the importance of excellence in all fields of academics.

The Chaldean community of the State of Michigan, from humble beginnings in the first decade of the 20th century, has blossomed into the largest concentration of Aramaic-speaking people in the United States. Through hard work, a positive approach to their newly adopted homeland, and an emphasis on the value of nuclear and extended families, Chaldean-Americans have become a very important part of Michigan's social, cultural, and economic fabric.

More importantly, the value system that has been imparted to succeeding generations, including the graduates of this commencement, stresses a civic responsibility which has been central to the success of the Michigan mosaic.

Both community and religious leaders have emphasized the importance of

community interaction throughout the metropolitan area. Many of the Chaldean business and professional leaders of the Detroit area consider it a social duty to contribute time, skills, and finances to the community. This commendable behavior stands as a fine example for the students honored at the 10th annual commencement.

As a growing community in the State of Michigan, Chaldean men and women are entering the realm of higher education at an increasing rate each year. In turn, Michigan has benefited from this trend as today's children of merchants and retailers are becoming the teachers, engineers, attorneys, doctors, and civic professionals of tomorrow. The Chaldean preservation of culture, language, and tradition in combination with these talents is a priceless gift to future Chaldean generations as well as to all of the residents of the United States and especially the State of Michigan.

I wish all of the graduates success in their future professional and personal pursuits in life. I am certain that their ancestors would be extremely proud of the great strides they have made in this country. May the dreams of the past generations come to fruition in their present day accomplishments; and may the work of the Chaldean Federation of America continue to assist students to reach their goals.•

SUBURBAN NEWSPAPER, BEST IN THE NATION

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Wolfe Newspapers of the Greater Rochester, New York area. Wolfe Newspapers have just been awarded prize for general excellence in a key national competition sponsored by Suburban Newspapers of America. The most prestigious award of the competition was given to the Brighton-Pittsford Post. The Post was singled out from a field of 74 entries recognized as the blue-ribbon group of the country's leading community and suburban newspapers.

I wish to commend editor and publisher, Andrew D. Wolfe, and his outstanding staff for their commitment to excellence. The contest judges graded three editions of each newspaper on three elements: editorial content, advertising style, and typographical design. In the editorial category, points were awarded for quality of news writing and coverage, feature writing, sports writing, photography, editing; plus the lifestyle and editorial pages. Advertising points were provided for general advertising, layout, classified ads style, treatment of public notices, and in-paper promotions. The typographical category was championed by excellent presswork, layout, general readability and overall makeup.

The Wolfe Community Newspapers began with three publications and a circulation of approximately 1,250 in 1956. Today, they have 10 papers and a gross circulation of more than 45,000.

Wolfe Publications are no strangers to awards, they won seven awards at the New York Press Association spring convention in Albany, second place in the Past President's Award for General Excellence, and first place in the State for overall graphic design. Additionally, the editorial staff was recognized with awards for sports coverage and school coverage. The advertising department pulled in second-place awards for a special holiday-edition supplement and a special-section cover.

Wolfe Newspapers operates a 20,000 square foot printing plant in Fishers, NY. It employs more than 80 full-time and many part time employees.

Mr. President, I ask that my colleagues join me in commending Andrew D. Wolfe, the Wolfe Newspapers, and their staffs on their success in this national competition and wish them many more prosperous years.•

A TRIBUTE TO THE ANASAZI HERITAGE CENTER

• Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize and salute the Anasazi Heritage Center located near Dolores, CO. This center, operated by the Bureau of Land Management to inform the public about the vast native American history of this region, was dedicated on August 27, 1988. It is an important attraction in the Four Corners region and will help preserve and protect the vast archaeological discoveries of the Anasazi culture.

The Four Corners region, comprised of portions of Arizona, Colorado, New Mexico, and Utah, was once home to the largest concentration of people in what is now the United States. It is estimated that about 1,000 years ago between 35,000 and 40,000 Anasazi lived in this area. The Anasazi built a complex civilization including multistoried, elaborate stone cities, trilled terrace fields, intricate irrigation systems, ceremonial kivas, and fine pottery. We are just now beginning to fully appreciate the vastness of this culture and the scope of these ancient town sites. The center will help showcase these resources, house many of the artifacts, and educate visitors to this part of our history.

The center is located in Montezuma County, CO, which has the largest concentration of archaeological sites in the Southwest. More than 14,000 Anasazi sites have been recorded in this county alone. This area is considered the true center of the northern Anasazi Indian civilization. Many archaeologists consider the Anasazi town-sites in this region to be the most significant uninvestigated archaeological resource in the United States. The striking and exciting discovery of the cliff dwellings at Mesa Verde National Park are but a small example of the much larger developments created by this culture throughout the Four Corners region.

An area so rich in archaeological significance needs a hub from which research, education, preservation, and public awareness can proliferate. The center fills this role by providing unique opportunities to learn more about this ancient culture.

The center was established under an agreement signed in 1978 by the Bureau of Land Management [BLM] and the Bureau of Reclamation [BOR] for the development of the Dolores-McPhee Dam and Reservoir project. This project, located along the Dolores River in southwestern Colorado, included the largest cultural resource mitigation effort ever undertaken in the United States. A key element of this program was the construction of the center. Under the agreement, the BOR built the center while excavating, cataloging, and evaluating the Anasazi artifacts disturbed by the construction at the McPhee Dam site. The center's full construction was completed in 1988 at which time its operation and management were transferred to the BLM.

The center houses over 2 million artifacts, specimens, and documents. It received over 40,000 visitors in 1991 and its visitation is growing. The center has two major functions: To house the collections excavated during the creation of McPhee Dam making them available for researchers; and to display parts of this collection for visitors. To fulfill these goals, the center has an exhibition hall, a theater, a museum shop, a conference room, and a special gallery providing an interpretation of the Anasazi lifestyle and modern archaeological techniques. The center also contains interactive exhibits which allow visitors to participate in activities ranging from weaving on a loom to engaging in interactive computer programs.

The center has become an important research facility for scientists across the country and around the world. Its facilities are available to researchers and resource managers. It is a gathering place for important events in the ongoing research of the Anasazi culture and for discussing public policy approaches to the preservation and protection of these resources. The center provided its facilities for a conference which I held on the future management of this area. I am sure that it will continue to be an important facility for the future of this region.

The Anasazi Heritage Center is a unique facility and its staff should be congratulated for making this important addition to our knowledge of the Anasazi culture. I want to especially thank Shela McFarlin, the center's director, and Tom Vaughan, interpretive director at the center, for their efforts

in making this an outstanding facility. The hard work of all the center's staff, the BLM, the BOR, and the many volunteers have made this center a premiere public and research facility.•

RECOGNIZING THE ACHIEVEMENTS OF SEAN TOPP, THE RHODE ISLAND GEOGRAPHY BEE WINNER

• Mr. CHAFEE. Mr. President, I would like to take a moment to recognize Sean Topp, Rhode Island's representative at the National Geography Bee held late last month in Washington.

Sean, an eighth-grader at North Kingstown's Davisville Middle School was the defending champion at the Rhode Island Bee held last March at Rhode Island College. During the competition, Sean maintained a perfect score and earned his second trip to the National Bee.

Receiving a perfect score was no easy feat. Competition questions include those on the physical and cultural geography of a country. Students also must have a good grasp on current events. According to a North Kingstown Standard Times article, Sean successfully answered questions ranging from, "What European country uses peat moss as fossil fuel?" to "What country is crossed by both the Equator and the Tropic of Capricorn?" The answers: Ireland and Brazil.

Sean became interested in geography during seventh grade. In preparation for the State and National Bee, Sean poured through "National Geographic magazines, atlases, and Trivial Pursuit cards.

Although he missed the finals at the national competition, Sean answered seven out of nine questions correctly and earned praise for answering questions quickly and with conviction.

Sean and the all young people who participated in the local, State, and national competitions deserve a tremendous amount of credit for their hard work. I am pleased to have this opportunity to recognize their accomplishments.•

HONORING REWARD RECIPIENT ROBERT DEUTSCHLANDER

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Robert Deutschlander, this year's recipient of the Melvin Jones Fellowship Award, Lions International's most prestigious award. The tireless service of people such as Mr. Deutschlander is commendable and worthy of high praise. I am pleased that such dedication is being acknowledged with this prestigious award. The continuing efforts of Lions Club, with such distinguished members such as Robert Deutschlander, has helped to shape New York into the great State that it is to live and work.

Mr. Deutschlander has held many offices and served on every committee of the Lions Club. Lion Bob has also served his community as president of the Lancaster School Board, chairman of the Lancaster Village Planning Commission, and president of the Lancaster Country Club. This award may come as a surprise to Robert Deutschlander but is well deserved. As such, the Lions Club of Lancaster wish to acknowledge Bob and his commitment to preserving and bettering his community at their annual officers installation banquet on Friday, June 14, 1992. His commitment to his community is deeply appreciated and I wish to thank him for giving of himself and his time so freely. I ask my colleagues to join me in saluting Mr. Robert Deutschlander as he receives this most prestigious award.•

SDI DEPLOYMENT DATE

• Mr. HARKIN. Mr. President, last year, during debate on the fiscal year 1992 Defense authorization bill, I was concerned about a crash program to deploy a limited missile defense system by 1996, as proposed in the Missile Defense Act of 1991. By choosing a ground-based missile system now, we would be eliminating a rational, methodical development program.

We would be rushing into production of a basically untested system. We would be violating the cardinal rule of sound hardware development: "fly before buy."

Accordingly, I offered an amendment to strike the fiscal year 1996 deployment date for a missile defense system. This amendment was defeated, 34–64.

The fiscal year 1993 SDI budget request confirms my fears. The funding request for the ground-based interceptor, the primary missile defense weapon, was actually reduced for fiscal year 1993. Why? Because SDIO had to cancel parallel development contracts in preparation for production contracts.

Now I see that at least one senior Pentagon official has questioned the efficacy of a 1996 deployment date for star wars. Today's New York Times carries an article entitled "Pentagon Analyst Questions Plan for Early 'Star Wars' Deployment." Dr. David Chu, Assistant Secretary of Defense for Program Analysis and Evaluation, has come to the conclusion that the deployment date for even a limited defense system should be pushed back 6 years, to the year 2003. He is concerned that the crash program to deploy SDI by 1996 "is almost certain to suffer early, significant cost growth and schedule slippage."

Mr. President, I hope that some of our 64 colleagues who voted against my amendment to strike the deployment date last year will reconsider their vote this year. There is no imminent threat that should push us into a hasty production and deployment schedule. The risks from the former Soviet Union continue to diminish. The risks from Third World nations may grow in the future, but no Third World nation will have ballistic missiles that can reach our shores within at least a decade.

And if we take reasonable steps to retard both nuclear proliferation and missile reentry proliferation, we should be able to prevent any belligerent nation from developing a working ballistic missile system capable of delivering nuclear weapons to our shores.

To stop nuclear and missile proliferation, we should be working diligently for a comprehensive test ban [CTB] to strengthen the Non-Proliferation Treaty when it is up for renewal in 1995. We should work for a global ban on the production of weapon grade fissile material and a flight test ban of reentry vehicles. We should work to strengthen the International Atomic Energy Agency [IAEA] through increased inspection rights, increased technical assistance, increased staff and increased budget. Note that the U.S. share of the IAEA budget at $27.5 million is less than 1 percent of the annual star wars budget. But the IAEA is far more cost-effective in terms of slowing the proliferation of nuclear weapons than star wars.

To stop the accidental launch of Russian ballistic missiles—the other stated goal of the watered-down star wars system—we should be working with Russia to make deep cuts in our strategic nuclear weapons, to no more than 1,000 each, we should put self destruct mechanisms on all remaining missiles, and we should make sure that all missiles have PALS—permissive action links or electronic codes to preclude unauthorized launch of nuclear-tipped missiles.

Mr. President, I ask that the complete New York Times article by William Broad be printed in the RECORD at this point.

The article follows:

PENTAGON ANALYST QUESTIONS PLAN FOR EARLY "STAR WARS" DEPLOYMENT

(By William J. Broad)

The Pentagon's top program analyst says a $35 billion plan to protect the nation from nuclear attack with land-based interceptors calls for a hasty deployment that threatens costly and crippling problems.

The criticism of the "Star Wars" plan, the sharpest to date by a senior Defense Department official, might fray or break a coalition on Capitol Hill that last year endorsed the building of limited missile defenses after the antimissile battles of the Persian Gulf war.

The official, Dr. David S. C. Chu, Assistant Secretary of Defense for program analysis and evaluation, says in an internal Pentagon document that the plan risks failure by rushing the development of rocket-powered interceptors and skipping important performance tests. That, he wrote, could hide defects that would cripple the system or lead to costly repairs.

SIX-YEAR DELAY POSSIBLE

In his analysis Dr. Chu said the plan should be overhauled to delay the system's debut by

as much as six years, from 1997 to the year 2003, so that prototype arms and other antimissile apparatus could be thoroughly tested, and modified if necessary, before being put into mass production.

Rejecting such criticism, the plan's architects say they remain confident that an initial system can be fielded by 1997. But they concede that the goal of speedy deployment with abbreviated testing carries many risks.

"The issue is whether you can manage that risk in a responsible way," Dr. Henry F. Cooper, director of the antimissile effort, said in an interview on Friday. "I think that's achievable," with the result that a missile defense system could be put in place without significant cost overruns, schedule slips or technical flaws.

A "DISASTER IN THE MAKING"

But John E. Pike, director of space policy at the Federation of American Scientists, a private group in Washington, said Dr. Chu's analysis suggested that no credible defense against nuclear attack could be built in less than a decade.

"It's saying that any system deployed in this century isn't going to work, that the current plan is a procurement disaster in the making," Mr. Pike said. Leaders of the antimissile effort, he added, "basically want to decide what to build before they test it, and hope they guessed right."

Dr. Chu's analysis was made available to a reporter by an analyst who views the antimissile plan as flawed and wanted to call attention to high-level Pentagon doubts about it.

The disputed plan is the main legacy of the "Star Wars" program, also known as the Strategic Defense Initiative, begun nearly a decade ago by President Ronald Reagan to build a space- and land-based defense against a missile attack. With the end of the cold war, the general goal of the "Star Wars" program has shifted, from one that would have created an impenetrable shield against thousands of Soviet warheads of forging a defense against accidental launchings and attacks by rogue commanders and renegade nations.

The program's cost this year is $4.15 billion, a record high. Annual costs are expected to double as research gives way to production of batteries of interceptors. The plan for land/based interceptors is the only part of the initiative to be endorsed by Congress, which is bitterly divided over the merits of arms based in space.

The current deployment plan was proposed last year by Senator Sam Nunn, a Georgia Democrat who heads the Senate Armed Services Committee. Inspired by the Patriot interceptor in the Persian Gulf war, he successfully pushed Congress to approve the building of similar but larger land-based interceptors to defend the nation, if possible by 1996.

The Missile Defense Act was signed into law by President Bush last December. Dr. Cooper of the Strategic Defense Initiative Organization, which runs the antimissile research program, recently testified before Congress about how the agency would meet the act's requirements.

Its plan would delay the launching of space arms but would have one landbased battery of interceptors ready in 1997. The battery site would have 100 interceptors housed in underground silos, ready to blast into space.

More complete protection of the United States from a variety of threats would require seven sites across the country with some 700 interceptors in all, agency officials say. They put the cost at $35 billion.

The rocket-powered interceptors would have non-clear warheads that use advanced sensors to pinpoint a target, which would then be destroyed on impact with the warhead.

The challenge in developing such a system was illustrated on March 13 when an experimental interceptor called Eris blasted off from Kwajalein atoll in the Western Pacific but, because of technical errors, failed to hit a mock warhead in space. Eris is the general prototype for the proposed system of land-based interceptors.

The deployment plan recently came under the scrutiny of Dr. Chu, who in essence is the Pentagon's technical conscience, studying arms programs to make them more efficient as they move from research to production. He reports directly to the Secretary of Defense and draws on a force of about 100 analysis.

Dr. Chu, a Yale-educated economist, has directed program analysis and evaluation since 1981 and has a reputation for rigor. In the early 1980's he insisted that the Army subject its division air defense gun, or Divad, to strenuous field tests that it ultimately, failed; in 1985 the $1.8 billion program was canceled.

PLAN CALLED TOO RISKY

Writing on May 15 to Donald J. Yockey, Under Secretary of Defense for acquisition, Dr. Chu warned that the $35 billion plan for interceptor deployment was too risky and "is almost certain to suffer early, significant cost growth and schedule slippage" because little of the initial apparatus would be tested thoroughly before manufacturing. The emerging system, he wrote, thus might have to undergo extensive repairs and revisions.

Worse, Dr. Chu wrote, the plan could produce interceptors and other antimissile hardware that were "technologically inferior" and unable to adequately defend the nation.

In addition, he wrote, speeding the program to achieve the 1997 deployment date would require exemption from more than a dozen laws and directives that govern the purchase of military equipment.

Dr. Chu recommended an alternative plan in which prototype hardware would be subjected to "a rigorous test" program and its experimental data used to forge final designs, pushing back the date of initial antimissile deployments to the years 2002 or 2003.

While private experts and some members of Congress have recently expressed alarm over possible technical risks and cost overruns in the proposed land-based antimissile system, this is believed to be the first time such criticisms have been leveled by a senior Pentagon official.

Five days after Dr. Chu's analysis was sent to Under Secretary Yockey, Dr. Cooper, the head of the antimissile program, summarized the plan before Congress in testimony that was alternately cautious and confident.

"Meeting the 1997 date represents a major challenge," Dr. Cooper said May 20 in a statement to a subcommittee of the Senate Armed Services Committee. But he added, "I believe the risk, although high, is acceptable given the urgency related to our uncertainty in predicting when we might actually be threatened with ballistic missile attack."

He said he would press for "an acceleration of the normal acquisition processes and procedures in light of the very high priority assigned by the Congress to meeting the goals" of the Missile Defense Act.

In the interview on Friday, Dr. Cooper said past arms programs have succeeded even though their testing and production had been accelerated, pointing to the Pershing II missile as an example.

But Mr. Pike of the Federation of American Scientists said a successful quickening of the antimissile program was highly unlikely, given its past difficulties. "Most tests," he said, "have been behind schedule and failed or had major shortcomings."•

HONORING RETIRING TEACHER BARBARA KINKEL

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Barbara Kinkel who is retiring after many years of service as a teacher at Maple Elementary School in Williamsville, NY. Mrs. Kinkel dedicated her life to shaping the young minds of our children. Her commitment, love, and desire for learning was a passion she shared with her students. Her dedication to the next generation went beyond the classroom.

Such dedication to our students, the future of our world, is one of the greatest gifts that a person can give. Mrs. Kinkel has touched many lives and affected a strong beginning for a successful education for many New Yorkers. She has sought always to help her students.

The many students and teachers who have loved and admired Mrs. Kinkel for her dedication will honor her in a special ceremony on Thursday, June 18, 1992. Mrs. Kinkel's retirement will be met with sadness as she leaves, but her passion for learning will be remembered by her students and her peers. I wish to congratulate and thank Mrs. Kinkel on all of her many accomplishments and wish her health and happiness in her retirement.•

TRIBUTE TO JIM GIPSON, PROMINENT ARKANSAS AGRICULTURIST

• Mr. PRYOR. Mr. President, I rise to speak in tribute to Mr. Jim Gipson, a prominent agriculturist and farm leader in my home State of Arkansas. Mr. Gipson has had a long-term commitment to agriculture and institutions serving farmers. He is an active member of a Southern Farmers Association local co-op board and has recently completed a 8-year term on the board of the Farm Credit Bank of St. Louis. On May 1, 1992, the St. Louis Farm Credit Bank merged with the St. Paul Farm Credit Bank to form AgriBank, FCB. Mr. Gipson has elected to step down after more than 8 years of outstanding service.

When Jim Gipson joined the board, the Farm Credit Banks of St. Louis were at a low point in their proud history. Since 1917, when the old Federal Land Bank was chartered, St. Louis enjoyed the reputation for being one of the premiere Farm Credit districts in the entire System. Farm Credit associations in Arkansas, Illinois, and Missouri and the bank in St. Louis were viewed as conservative and well-man-

aged lenders, which provided constructive and reasonably priced credit to farmers and ranchers.

But, the great farm depression of the mid-1980's humbled the St. Louis Farm Credit bank, the Farm Credit System as a whole, as well as a number of other agricultural lenders. Losses were mounting in St. Louis and throughout the System and volume was shrinking. In 1985, the St. Louis Farm Credit Bank lost nearly $275 million. Total assets declined from $6.93 billion in 1984 to $3.85 billion 4 years later.

Farmers were leaving Farm Credit because they were unhappy—unhappy with the rates of interest they were paying and with the service they were receiving. Some borrowers were concerned that they would not be able to keep current on their loans. Farm Credit, once commonly thought of in Congress as a success story, had become a source of complaints and a target for criticism. Farm Credit, it was often said, had overhead costs that were too high, credit standards that were too lax, and a lack of sensitivity to the acute problems being experienced by their distressed borrowers.

In short, Jim Gipson and his colleagues on the board of the Farm Credit banks in January 1984, faced obstacles which appeared insurmountable to some. Not just a few observers in the mid-1980's were drafting an obituary for the entire Farm Credit System, including the St. Louis bank. But these drafts were premature. The System has survived and now flourishes. Of course, the Agricultural Credit Act of 1987 is one reason for the System's survival. We, the members of the Senate Agriculture Committee, are proud of the role we played in crafting this legislation which, among other things, established a $4 billion line of credit for the System. In fact, the System only used $1.3 billion which provided them with enough time and resources to work out their difficulties. The good news is that farmers and Farm Credit institutions have recovered from the 1980's. Legislation which passed this body May 7, and actively supported by the Farm Credit Council, would clarify the terms and conditions for the System to repay the $1.3 billion in a timely manner and with interest.

But, while the 1987 act was needed and enormously helpful, it was not sufficient, in and of itself, to turn the System around. Actually, neither the St. Louis Farm Credit Bank nor its associations received any of the $1.3 billion provided under the 1987 legislation. The St. Louis district was, in fact, the only district with Midwestern membership which did not receive $1 of the U.S. taxpayers money. Yet, without being directly assisted, St. Louis district experienced a remarkable turnaround. This is evident by the fact that they succeeded in:

Turning annual net losses of $274 million and $127 million in 1985 and 1986 into positive net income for every year since then;

Increasing net interest income from $25.3 million in 1988 to $127.4 million in 1991; and

Stabilizing and now reversing the slide in loan assets. In 1991, the St. Louis district's total loan outstanding increased by $163 million. I'm told that, during the first 4 months of this year, the volume of St. Louis district increased at a rate not witnessed in the last 12 years.

The remarkable turnaround in the fortunes of the Farm Credit System was possible only because of a turnaround in the farm economy. But, beyond that, Jim Gipson and his colleagues deserve a great deal of credit for making the right decisions on some important and very difficult issues.

Among other things, the Board approved the reorganization of the Federal Intermediate Credit Bank, Federal Land Bank, and Bank for Cooperatives, headquartered into a single management structure in 1984. This was the first of a number of important reorganizations which provided a more streamlined and efficient credit delivery system. As a member of the district restructuring task force, Jim Gipson played an important leadership role in reducing overhead and streamlining associations as well. In 1985, there was some 75 Farm Credit associations throughout Arkansas, Illinois, and Missouri. By 1992, there were just 21. Jim Gipson recognized the need for different parts of the System to work together. When he chaired the Board of the Farm Credit Banks in 1986, the great majority of FLBA's and PCA's in the district became jointly managed.

During his tenure on the Board, the St. Louis Farm Credit Bank led the way introducing a number of new loan products—including a 30-year fixed rate farm real estate loan. The Bank developed a highly successful country living program which simplified the process of applying for a loan. One of the most important accomplishments of the St. Louis Board during the Jim Gipson tenure meant its demise as a separate entity. As of May 1, 1992, there is neither a St. Louis Farm Credit Bank nor a St. Paul Farm Credit Bank, but AgriBank, FCB. This first voluntary merger of any Farm Credit Bank in the history of the Farm Credit System confounded cynics who said no board would voluntarily vote itself out of a job. But, that is exactly what these two boards did in order to build a stronger, lower cost and more effective credit cooperative for farmers. AgriBank is now a reality because of the statesmanship, guidance and persistence of Jim Gipson.

Jim Gipson has served his family, friends, and community well. I can attest, as many others can, to his unselfish and tireless commitment to his State and the causes in which he is committed. Arkansas farmers and all of us who care about American agriculture, owe Mr. Jim Gipson a vote of thanks.•

MAJOR GENERAL FLYNN RETIRES

• Mr. D'AMATO. Mr. President, it has been brought to my attention that the Adjutant General and Commander of the New York Army National Guard, Maj. Gen. Lawrence P. Flynn, who is a constituent of mine, will retire as head of the State's militia forces, effective June 30, 1992.

New York's Army and Air National Guard, under General Flynn's leadership, has played a vital role serving the security interests of our State and Nation. His individual record of achievement is, in fact, symbolic of the need for this Nation to continue its support of a well-trained and adequately resourced National Guard and Reserve.

Under his leadership, the New York National Guard has forged a solid record of accomplishment in the Defense Department's war on drugs program. Since that program began in 1988 in New York, the Army National Guard has been directly involved in operations resulting in the seizure of nearly $1 billion in illegal drugs, contraband, and drug-related moneys.

General Flynn oversaw the activation of more that 3,500 members of the Army and Air National Guard and the Naval Militia—members of the U.S. Naval and Marine Corps Reserve—for Operation Desert Storm in the Persian Gulf.

This effort began only a few days after Saddam Hussein's August 1990 invasion of Kuwait, with the activation of the Air Guard's 137th Military Airlift Squadron, Stewart Airport, Newburgh, which flies the C-5A Galaxy.

The Army and Air Guard units from New York also included elements of the Manhattan-based 369th Transportation Battalion, known as the Harlem Hellfighters, and Syracuse's fabled 174th Tactical Fighter Wing, nicknamed "The Boys From Syracuse," which provided close air support to troops on the ground in Kuwait and Iraq from the very first day of the war through its conclusion.

It should be noted that under General Flynn's leadership, all New York Army and Air National Guard units from the Empire State mobilized and deployed on time, in accordance with Federal standards, and performed their wartime missions successfully.

Let this body take note that the leadership of this citizen-soldier will be missed.•

ORDER OF BUSINESS

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, June 3; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators DURENBERGER and GLENN for up to 15 minutes each; and Senator GORTON for up to 10 minutes.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 5:40 p.m., recessed until Wednesday, June 3, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 2, 1992:

THE JUDICIARY

WILLIAM D. QUARLES, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND VICE ALEXANDER HARVEY, II, RETIRED.

JAMES A. MCINTYRE, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF STATE

HENRY LEE CLARKE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

DONALD BURNHAM ENSENAT, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

EDWARD HURWITZ, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KYRGYZSTAN.

JOSEPH MONROE SEGARS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

ANTHONY CECIL EDEN QUAINTON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY, VICE SHELDON J. KRYS.

ROBERT L. GALLUCCI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE RICHARD A. CLARKE.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

ALISON PODELL ROSENBERG, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SCOTT M. SPANGLER.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY I. KISLAK, OF FLORIDA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994, VICE RICHARD B. STONE.

MARSHALL LEE MILLER, OF VIRGINIA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994, VICE EDWIN J. FEULNER, JR., TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

WALTER B. MCCORMICK, JR., OF MISSOURI, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE ARTHUR J. ROTHKOPF.

U.S. INSTITUTE OF PEACE

MAX M. KAMPELMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 1995, VICE MORRIS I. LEIBMAN, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

RITAJEAN HARTUNG BUTTERWORTH, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1997, VICE WILLIAM LEE HANLEY, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. GARY L. EICHHORN, [redacted] AIR FORCE RESERVE.
BRIG. GEN. JACQUES P. KLEIN [redacted] AIR FORCE RESERVE.
BRIG. GEN. THOMAS L. NEUBERT [redacted] AIR FORCE RESERVE.
BRIG. GEN. JAMES E. SHERRARD, III, [redacted] AIR FORCE RESERVE.
BRIG. GEN. DAVID R. SMITH [redacted] AIR FORCE RESERVE.
BRIG. GEN. JERRY E. WHITE [redacted] AIR FORCE RESERVE.

To be brigadier general

COL. JOHN A. BRADLEY, [redacted] AIR FORCE RESERVE.
COL. DONALD W. BRYAN, [redacted] AIR FORCE RESERVE.
COL. WILLIAM A. COHEN, [redacted] AIR FORCE RESERVE.
COL. JAMES J. KENNEDY, III [redacted] AIR FORCE RESERVE.
COL. MICHAEL R. LEE, [redacted] AIR FORCE RESERVE.
COL. ROBERT A NESTER, [redacted] AIR FORCE RESERVE.
COL. REESE R. NEILSEN [redacted] AIR FORCE RESERVE.
COL. RALPH H. OATES, [redacted] AIR FORCE RESERVE.
COL. HERBERT P. RIESSEN [redacted] AIR FORCE RESERVE.
COL. JAMES E. SEHORN [redacted] AIR FORCE RESERVE.
COL. VIRGIL J. TONEY, JR. [redacted] AIR FORCE RESERVE.
COL. DONALD K. WOODMAN, [redacted] AIR FORCE RESERVE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. LEON A. EDNEY, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. PAUL D. MILLER, U.S. NAVY [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

MERRITT G. DAVIS, JR [redacted]
DENIS T. KENNEDY [redacted]

To be lieutenant colonel

DAVID O. CHASTAIN [redacted]
MARTIN E. EVANS [redacted]
TERRY D. EXSTRUM [redacted]
THOMAS J. LOFTUS [redacted]
HENRY J. ONEAL [redacted]
CHARLES L. SIMPSON [redacted]

To be major

SAMUEL M. CUMMINGS, [redacted]
PETER J. NIGRO [redacted]
VAN E. PERRY [redacted]
DAVID E. POTTER [redacted]
DOUGLAS J. ROBB [redacted]

DENTAL CORPS

To be major

CHARLES A. HUGGINS [redacted]
JOHN K. MCCOWN [redacted]
CHRISTOPHER M. MINKE [redacted]

To be captain

JAMES R. MIEARS, JR. [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

CHARLES A. CHRISTOPHER [redacted]

To be lieutenant colonel

STEPHEN S CHANKIN [redacted]
LEE H FISHER [redacted]
GUILLERMO HESS [redacted]
JAMES J HIRASA [redacted]
THOMAS C LEACH [redacted]
WADDAH S MALHAS [redacted]
RICARDO G MORA [redacted]
SHOBHA SEM [redacted]

THE FOLLOWING NAMED ASTRONAUT OF THE AIR FORCE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION.

LIEUTENANT COLONEL BRIAN DUFFY [redacted]

THE FOLLOWING MIDSHIPMEN, UNITED STATES NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 541 AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

SHIRLEY A EUBANKS [redacted]
DAVID L KERN [redacted]
ANTHONY MAISONET [redacted]
KIMBERLY A MCINTOSH [redacted]
SHAWN C PURVIS [redacted]
ROBERT C REARDANZ [redacted]
BERNARD J STROUTH [redacted]

THE FOLLOWING OFFICERS, UNITED STATES AIR FORCE OFFICER TRAINING GROUP FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

RAY C ADAMS, JR [redacted]
DAVID J BEBERWYK [redacted]
DEBORAH E BIBEAU [redacted]
ROLF K H BOETTGER [redacted]
PATRICK M BOLAND, JR [redacted]
GREG A BROWN [redacted]
JEFFREY D COOPER [redacted]
BARRY W CURTIS [redacted]
KEVIN J DAUGHERTY [redacted]
STEVEN P DICKEY [redacted]
DAVID G DUBUQUE [redacted]
MICHAEL J DUNN [redacted]
DANIEL M HARBOUR [redacted]
SCOTT A HAUSMAN [redacted]
JEFFREY R JENSSEN [redacted]
DARYL R KITCHEN [redacted]
PATRICIA A LAPKA [redacted]
JOSEPH P LEHNERD [redacted]
DAVID W LYNCH [redacted]
JOHN C MARTIN [redacted]
KELLY P MAYO [redacted]
RAYMOND L REYES [redacted]
DICKEY R ROUNSAVILLE [redacted]
DAVID M SEARS [redacted]
PAUL N STRADLING [redacted]
ROBERT T SWANSON, JR [redacted]
TIMOTHY W TARVER [redacted]
BRUCE L UPTON [redacted]

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

BRUCE ALLEN ABBOTT
CARL H. ABELEIN
MELINDA LEE ADAMS
ROBERT KEITH ADAMS, JR
HENRY MITCHELL ALBRIGHT
GENE EDWARD ALLEN
RICHARD L. ANDERS

JAMES CHRISTIAN ANDERSEN
JAMES K. ANDERSEN
DAVID OWEN ANDERSON
DEBRA KAY ANDERSON
DOUGLAS JEROME ANDERSON
RICHARD ANDERSON
RICHARD JOSEPH ANDES
JOEL LINN ANDREWS
STEVEN MICHAEL ANDY
STEPHEN BRADFORD ANTLE
STEPHEN EDWARD ARMSTRONG
BRAMWELL BAKER ARNOLD, JR
HOWARD BERNARD ASCHWALD, JR
TRIN JAMES ASTRELLA, JR
TROY GARLAND AVERA, JR
BRETT DAVID AYOTTE
TERRY LEE BACHMAN
MICHAEL SCOTT BAILEY
MARY ELIZABETH JOAN BALE
ROBERT FRANKLIN BALES, JR
THOMAS ALLAN BARBER
JON LEONARD BARKEE
DAVID RICHARD BARNES
DEAN HAROLD BAUDER
MARK DAVID BAUER
THOMAS E. BAUER
LARRY LEE BAXA
KENT MICHAEL BAYER
DONALD CREIG BEAHM
WILLIAM CLAY BEARDEN
RONALD ANTHONY BEASLEY
GEORGE TAYLOR BEATTIE, JR
TERREL VERNE BECKHAM, JR
VINCENT ALOYSIUS BELLEZZA
ROBERT D. BELLING
JUDITH JOAN BENDIG
TOMMIE DOUGLAS BENEFIELD, JR
DAVID RAYMOND BENNETT
ROBERT C. BENTON
RICHARD CHARLES BERG
ROBERT L. BERGER
JOHN MICHAEL BEROSKY
BRUCE BALKCOM BEVARD
JAMES ROBERT BLAA, JR
WILLIAM ALLEN BLAIR
DAVID R. BLAKE
THOMAS H. BLAKE
GREGGORY DEEN BOATRIGHT
NANCY KONRAD BOICE
JOHN ROBERT BOLTON
THOMAS H. BOND
GERALD L. BONNETT
WILLARD RALPH BONWIT, JR
RICHARD WILLIAM BORCHARDT
MORRIS R. BOSARGE
MARK MCGREGOR BOSWELL
STEPHEN LOUIS BOVERI
JAMES LEO BOWMAN
MICHAEL BERNARD BRANDS
ROBERT C. BRANTLEY
GEORGE ALBERT BRATTON, IV
JAMES HENRY BRAUN, JR
RICHARD LEE BRAZELL
MARK KEVIN BRAZIER
KURT J. BREGAR
RICHARD LEE BRUMMITT
MICHAEL DAVID BRUNO
PAUL LEO BRYAN
CHRISTOPHER JAMES BUEHRIG
CYNTHIA K. BURGUNDER
JO ANNE BURKLUND
JON DAVID BURNETTE
MARTIN E. BUSHIKA
MICHAEL JOSEPH BUSSONE
SUSAN HARTLEY BUTLER
JULIUS S. CAESAR
VINCENT PHILLIP CAGGIA, JR
JAMES JOSEPH CAIN
ERIC RAY CALDWELL
KIM FRANCIS CALLAHAN
MICHAEL CALLAHAN
ALBERT SIDNEY CAMP
JAMES PETER CAMPBELL
KENNETH W. CAMPBELL
GEORGE GUYTON CANNADY
LEONARD S. CARITA, JR
WENDI BRYAN CARPENTER
MICHAEL H. CARRIKER
BARBARA JOAN CARTER
TIMOTHY C. CASSIDY
KEVIN BRETT CELLARS
RUSSELL PAUL CEPKO
WILLIAM DMYTRO CHARUK
ERIK NMN CHAUM
LARRY GLENN CHENEY
PETER CHIANG
JOSEPH DWYER CHISHOLM
DONALD EDWARD CHITTENDEN
KATHLEEN EVANCHO CHMELIR
KEVIN JOSEPH CLARK
MICHAEL PATRICK CLARK
JOHN PATRICK COFFEY
ROY IAN COHEN
MARY CRABB COLDIRON
JOSEPH M. COLLETT
DONALD P. CONNERS
GLADYS TWINING CONNOLLY
ROBERT DAVID CONWAY
THOMAS BRODERICK COOK
JOHN MARK COPPIC
RICHARD S. CORNISH
CHRISTOPHER M. CORRIGAN
BARRY ALLEN COSTA
KEITH HOWARD COX
RICHARD SPENCER CRAMER
JAMES R. CRANFORD
RAYMOND PAUL CREVIER, JR
ROBERT KENNETH CRIM
RICHARD LEE CROCKER
STEPHEN HARRISON CROW
ANDREW JAMES CUCA
CLARENCE WILLIAM CULWELL, JR
PATRICK THOMAS CUNNINGHAM
CHRISTOPHER B. CYRWAY
RICHARD ARTHUR DAPRATO
PAUL RAYMOND DAUPHINAIS
MICHAEL FRANCIS DAVIDSON
GERALD RICHARD DAVIS
NANCY ELIZABETH DAVIS
STUART MORRISON DAVIS
PIERS LINCOLN DAWSON
DAVID BERNARD DEARIE
DOUGLAS JAMES DEAROLPH
NORMAN DELLINGER
JAY ALLAN DELOACH
HARRY SCOTT DENSON
DAVID MICHAEL DESILVA
JAMES DEUSER
CHRISTINE WHITTIER DICKMAN
DAVID JOHN DIMATTEO
PETER M. DIRGA
GREGORY STEPHEN DISHART
JOSEPH A. DIVITO
RICHARD GLAZIER DODSON
GORDON LAWRENCE DONA
KEVIN DONAHUE
PATRICK JOSEPH DONOVAN
LESLIE ALAN DOTSON
LINDA LOU BORGES DUBOIS
MACK D. DUETT
WAYNE D. DUFFALA
RICHARD KIT DUNCAN
MICHAEL JAMES DWYER
JOSEPH MICHAEL EAGAN
WESLEY KARL EBEN
CHARLES HILAN EBERT
THOMAS LYNN EDWARDS
MICHAEL CECIL EIDE
ROBERT OSWALD EIDE
MICHAEL P. ELMER
ROBERT J. ENGEL
CHARLES EARL ENOS
JOHN WAYNE EPPERT, III
DENNIS DONALD ERDT
MARIE SMITH ERNST
CLARKE MARVIN ERWIN
EMIL PAUL ESCHENBURG, JR
RICHARD TIMOTHY ESTES
ANGELIKA MASON EVANGELIST
BRUCE PAUL EVJEN
JEFFERSON EWIN
ROBERT JACOB FALLON
CHARLES STEPHEN FARRELL, JR
TIMOTHY JOSEPH FARRELL
DANIEL NICHOLAS FAZIO
TIMOTHY SCOTT FELEGIE
LEVERNE PERRY FERNANDEZ
MARY ELLEN FETHERSTON
JAMES A. FIORELLI
MARCUS JOHN FISK
JOYCE DAUGHERTY FLEISCHMAN
KEVIN WILLIAM FLEMING
WILLIAM JAMES FLEMING
GLENN ALAN FLETCHER
DUNCAN KIEFER FOBES
DAVID LAWRENCE FOOTE
JOSEPH MICHAEL FOSTER
DOUGLAS W. FRANK
WILLIAM CYRUS FRECKLETON
DAVID VAN FULWIDER
ROBERT EUGENE GALBRAITH, II
GARY P. GAMBARANI
STEPHEN MICHAEL GANN
BENJAMIN GARCIA
LEE A. GARD
JOHN G. GARDINER
JOE WHEELER GARRETT, II
RONALD PAUL GAST
STEPHEN GATES, JR
MAURICE KEITH GAUTHIER
PETER FRANCIS GAZDA
JAMES HOWARD GENTILE
PAUL STEVEN GERARD
MARK KLINE GERFIN
ERIC FRANCIS GERMAIN
ROBERT NORMAN GEST, JR
MARK BRADFORD GHEEN
ROBERT MARKS GILL
JAMES IGNATIUS GILLESPIE
GARY LEE GIRARDET
KIMBERLY S. GLASGOW
RICHARD ALAN GOLDSMITH
CLARK BERNARD GOODLETT
ROBERT A. GOODRUM
TIMOTHY ERNEST GOODWIN
GARY L. GORDON
TAYLOR J. GORDON
ROBERT LAWRENCE GOVETT
RICHARD F. GOWARD, JR
CHARLES MARION GRAY, III
MARTIN KEVIN GRIFFIN
STEVEN P. GRUBE
ROBERT BRACY GULLEY
ALAN H. GUREVICH
DAVID E. GUZA
FREDRIC W. HABERMAN, JR
SEBASTIAN CHARLES HAFER
PAUL RICHARD HALEY
JUERGEN GARY HALF
DAVID RUSSELL HALL
HENRY DAVID HALL
DON PAUL HAMBLEN
EARL K. HAMILTON
LARRY VIRGEL HAMMAN
CLARK D. HANDY
NORMAN THEODORE HANSEN
RICHARD P. HANSEN
MONTE ARNOLD HANSON
JAMES CHRYSOSTOM HARKINS
ROBERT CHARLES HARM
THOMAS P. HARRISON
SILAS CLINTON HART, III
WILLIAM EDWARD HART
CHARLES MURRIE HARTFELDER
DARRELL R. HARTSIG
CRAIG TAYLOR HARVEY
EDWARD PAUL HARVEY, JR
ALFRED JAMES HASS, II
CHRISTOPHER CONRAD HASSLER
TODD NELSON HATHAWAY
DANIEL LEE HATTEN
TIMOTHY X. HAUCK
LARRY EUGENE HAYES
JOHN S. HAYNES
JEFFREY A. HEDGES
WILLIAM GEORGE HEDSTROM
FREDERICK EDWARD HEIMANN, JR
DAVID W. HEINTZMAN
ROBERT JOHN HEISTER, JR
MICHAEL P. HELMS
FRED ARTHUR HENDRICKS, JR
EDWIN STUART HENRY
GEORGE THEODORE HERTIG
BRUCE NEIL HEYWOOD
STEVEN RAYMOND HIBBS
JACK C. HICKS
WILLIAM GREGORY HIGGINS
KEVIN ELDON HILL
THOMAS L. HITCHCOCK
MATTHEW MCWAIN HODGINS
ROBERT LOUIS HOGAN
NELSON CHAPPELL HOLLY
NEIL GARY HOLT, JR
NATHAN CRAIG HOLWAY, JR
FREDDIE LEE HOLYFIELD
FORREST TERREL HONDERICH
ROBERT JOSEPH HOUSER
RICHARD PAUL HUBBARD
MICHAEL E. HUBER
BETH EVELYN HUBERT
BARRY EDWARD HUDSPETH
THOMAS LEE HULL
RICHARD JOSEPH HUMENUCK
NORMAN ROGER HUMITZ
GORDON KEITH HUNEGS
FRANCIS ALOYSIUS HUNT, JR
ROBERT A. HUNT
JOHN MAYNARD HURST
DAVID GARY IRELAND
RUSSELL HAROLD IRVINE
STEVEN DALE IVANS
MARC EDWARD IVERSON
CHARLES GREGORY IVEY
WILLIAM KING JANSSON
REED KEITH JARVI
JOHN ELBERT JAYNES
PATRICIA ANNE JEDREY
ROBERT K. JEFFERIES, III
JAMES JOSEPH JEFFRIES
CHRISTOPHER H. JENSEN
LEOPOLD FREDERICK JOH
DOUGLAS STUART JOHNSON
GREGORY CARL JOHNSON
MICHAEL R. JOHNSON
WILLARD CHARLES JOHNSON
ALBERT M. JONES
BRADLEY WILLIAM JONES
MICHAEL P. JONES
ROBERT EDMUND JONES, JR
THOMAS ANTHONY KACHMAR
JOHN ROBERT KAISER
ERIC ALAN KALISKY
PAUL LEONARD KALLAND
JAMES LEWIS KANTNER
EUGENE KARSTENS
OWEN NORIO KAWAMOTO
TIMOTHY BLAISE KEEN
GEORGE ROY KELL
MICHAEL J. KEMPF
STEVEN PAUL KERCH
ROBERT S. KIDD
TERRENCE MICHAEL KILMAN
MARTIN ALAN KIMBALL
JEFFREY PAUL KING
MARVIN EARL KING
JEFFREY NMN KIRKWOOD
LAWRENCE PHILIP KIRWAN
JOHN L. KITTLER
PATRICIA ANNE KLAUER
JOHN P. KLOSE
KIM DAVID KLUGE
GARY LLOYD KNOCK
MARK BERNARD KOERBER
DOUGLAS GENE KOERNER
MELVIN RICHARD KOHLER
BRIAN ELLIOTT KONSUGAR
JUSTINE FRANCES G. KOSCIELNY
ANDRZEJ WLADYSLAW KOWALSKI
WILLIAM H. KRAMER
NICHOLAS DMYTRO KRAWEC
KEVIN MICHAEL KUZEL
HENRY J. KUZMA
RAYMOND REED KWONG
MICHAEL SMITH KYNETT
JOHN F. LADEMAN
BRADLEY N. LANZER
DAVID WARREN LARUE
GRANVILLE D. LASSETER, II
KENNETH M. LAW
THOMAS KING LAWMAN
MICHAEL E. LEBIEDZ
STEVEN BLODGETT LEE
CAROLYN DUSTY LEEF
JAMES JOSEPH LEHMAN
JAMES PHILIP LESTER
GEORGE EVERIE LEWIS, III
PHILIP A. LEWIS, JR
STEPHEN ARTHUR LEWIS
PAUL ANTHONY LIBERATORE
WILLIAM TIMOTHY LILES
SALE TRICE LILLY
GERARD JOHN LINK
FRANCIS J. LIPOVSEK
DIANE MARIE LORENZ
CHERYL CHIEKO LOUIE
GARY JAMES LOVAN
LEE ARTHUR LOVEGREN
FREDERICK WAYNE LUCCI
LAWRENCE EDWARD LUCK
STEVEN JOHN LUCKS
LAWRENCE EARL LYFORD
LANE CLAYTON LYNCH
MARIANNE MCGRATH LYNCH
CARL F. LYON
WALTER KAY MAGINNIS, JR
MICHAEL J. MAKOWICZ
WILLIAM ALBERT MALEHORN
ALLYN FERRIS MALLORY
JOHN EDWARD MANIGO
GREGORY A. MANKEY
RICARDO LAMONT MARABLE
TIMOTHY JANVIER MARCOTTE
EVERTON GERSHAM MARTIN
JOHN CHARLES MARTIN
JANE ELLEN MARTINSON
ANN L. MATHEWS
CHRISTOPHER WILLIAM MAY
CHARLES HAYS MAYNARD
ROBERT AUSTIN MCANINCH
CHRISTOPHER ERNEST MCATEER
ROBERT L. MCCABE
MICHAEL EUGENE MCCAFFREY
FRANCIS IRWIN MCCLELLAN
ALFRED EMMANUEL MCCOOEY, JR
JAMES DOUGLAS MCCUISTION
MICHAEL SCOTT MCDONNOLD
PAUL ERWIN MCGILVRAY
ROBERT ALAN MCLEAN
CHRISTINE MARIE MCMAHON
ALLEN DOUGLAS MEDLIN
JOHN WILSON MELEAR
MARK ALLEN MELNICOFF
KENNETH LEIGHTON MERRICK
DEAN THOMAS METTAM
DOUGLAS R. MEYER
WILLIAM OLIVER MEYERS
JOHN E. MIESNER
KERWIN EUGENE MILLER
SCOTT EUGENE MINER
PATRICK JOSEPH MISKELL
JOHN JOSEPH MITCHARD
DIANA MARYELLEN LYNCH MIXON
ALAN LEROY MOLL
WAYNE EUGENE MOLNAR
BERNARD LEWIS MOORE
COREY S. MOORE
GUY HOLLISTER MORGAN
GARRY GENE MORISSETTE
JOHN LLOYD MORRIS
WILLIAM RANDOLPH MORRISON
TUNIS BRADLEY MORROW
DAVID ARTHUR MORSE
THOMAS WHALEN MORSE
JAMES JOSEPH MOSCARDINI
SAVINO NICHOLAS MOSCARIELLO
ANTHONY STEPHAN MULFORD
SHERRY VANITA MULVANEY
MARK A. MUNSON
JOHN STEPHEN MURDOCK
GUY VICTOR MURRAY
WILLIAM THEODORE MYERS, JR
JEFFERY ALAN NAUS
JOHN JOSEPH NEEDHAM
BILL NEGRON
SCOTT TRIMBLE NEIDHOLD
ELMER J. NELSON
ROGER LEE NIELSON
BRENT J. OBENOUR
THOMAS O. OBRYANT
KEVIN BARRY OCONNELL
JOHN H. ODONNELL, II
CHARLES R. OGLE, JR
VINCENT CHARLES OLIVER, JR
BYRON WESLEY OLSON
CRAIG P. OSTREM
FRANCIS P. OSTRONIC
WILLIAM ANTHONY OTT
CHARLES EDWARD OVERCASH, JR
THOMAS BLAINE PANNELL
PATRICK RYAN PARIS
KERRY WAYNE PARKER
JAMES CECIL PARKS
STEPHEN JOHN PATERNOSTER
MICHAEL JOHN PELLOTH
SHELLEY PENNINGTON
DAVID ALLAN PETERSON
JAMES PHIPPS PETTIT
MARK JOSEPH PFUNDSTEIN
EDWIN A. PHELPS, III
EARL WENDELL PHILLIPS, JR
LESTER LEROY PHILLIPS, III
PEYTON ELWOOD PHILLIPS, III
JOHN RADCLIFF PHIPPS, JR
RENALDO P. PILI
THEODORE S. PITERA
PAUL DOUGLAS PITZER
WILLIAM DANA POLLOCK
MICHAEL REED POPOVICH
ANDREW N. POULOS
TEN EYCK BRONK POWELL, III
DUANE ALLAN POWERS
CARL WILLIAM PRO
SCOTT M. PROVOW
DAVID SCOTT PURCELL
MICHAEL CHRISTOPHER PURCELL
WILLIAM RAYMOND PYE
JOHN R. PYRON, JR
ROBERT GERARD QUIRK
RICHARD LYNDON RADER
JAMES MICHAEL RAY
ROBERT BARRY REDDINGTON
GARY LEON REGLIN
DENNIS J. REILLY
ROBERT FOSTER RESCINITO
STEVEN W. RESS
HOBSON REYNOLDS
LARRY JOHN RHEA
MICHAEL THOMAS RIBBLE
ROBERT JOSEPH RICHARDS
STANLEY R. RICHARDSON
RICHARD E. ROBEY
RICHARD R. ROBIDOUX
ROBERT A. ROCHAU
JOHN H. ROGERS
JOHN PHILIP ROGERS
MELVIN CLAUDE ROGERS, JR
JOHN L. ROGITZ
RICHARD JOHN ROMAC, II
JOHN JOSEPH ROONEY, JR
CHARLES THOMAS ROSENBERG
JOHN W. ROSS
PAUL PATRICK ROSS
STEPHEN VINCENT ROTH
SIETZE J. ROTTON
JOHN CARL ROYCE, JR
MARK FRANCIS ROZWELL
ROBERT HAWARD RUDOLPH
MICHAEL LEONARD RUNALS
CAREY DOUTHIT RUPPERT
RALPH SCOTT RUPPERT
RICHARD LEE RUSSELL
LARRY LEE RUTLEDGE
CHRISTOPHER J. RYAN
PATRICK W. RYAN
WILLIAM RAYMOND RYAN
VINCENT S. SADD
GUS NMN SAMBRANO
RICHARD WILLIAM SANDELLI
STEPHEN WAYNE SANDERS
JOHN H. SANDSTROM
KATHERINE LOVEJOY SANFORD
RALPH P. SCAFFIDI
MICHAEL A. SCHALL
DANIEL J. SCHENKE
RICHARD ERIC SCHIEFEN
KENNETH TARCISIUS SCHMIDT
PAUL STEVEN SCHMITT
WILLIAM EDWARD SCHMITT
JEFFREY ALLEN SCHMITZ
WILLIAM J. SCHNEIDER
ROBERT J. SCHOLES
MARK THOMAS SCHOONOVER
RONALD REID SCHOWE
MICHAEL CHRISTOPH SCHROEDER
DAVID ARTHUR SCOTT
GEORGE JOSEPH SCOTT, III
JOHN DAVID SCOTT
RANDALL ALLEN SEAWARD
CHESTER J. SETO
KARL R. SETTE
RICHARD CLARK SEVERS
JOHN M. SHARP
JAMES WEBER SHELTON, JR
MICHAEL SHINEGO
ROBERT SHINSKIE
LOUIS CRISPIN SIMMONS
MARK STEPHEN SIMPSON
VICTORIA GERMINO SKINNER
JOHN P. SKOGSBERG
RODNEY WILLIAM SKOTTY
RICHARD PAUL SKRZAT
DAVID L. SMITH
JAMES FLOYD SMITH
NEAL FREDERICK SMITH
PAUL GILBERT SMITH

RANDY GENE SODERHOLM
WILLIAM W. SOER
STANLEY A. SOWINSKI
KENNETH GEORGE SPENCER
ERIC NEAL SPRINGER
RICHARD PATRICK SPURR
TIMOTHY J. STARK
MICHAEL NMN STAVREFF
RAYMOND TREECE STEARNS
BRADLEY ROBERTS STEELY
KEITH EDWARD STEIGER
ARTHUR L. STEPHENS
FREDRIC MILO STEPHENS
JOHN RUSSELL STEPHENS
JEFFREY MICHAEL STEVENSON
MICHELE VALERIE STICKNEY
ROBERT A. STOBAUGH
JOHN MICHAEL STOELTING
JOHN SHELDON STRATEMEIER
PAUL JOSEPH STREETER
BRUCE STUART
STEPHEN ANDREW SUSKO
GRANT DEAN SUTHERLAND, JR
STEPHEN DOUGLAS SWAZEE
SHEILA SHROPSHIRE SWEETSER
WAYMAN OWEN SWILLEY, JR
DAVID ALEXANDER SWINGLE
PAUL DAVID TANZAR
JOHN DENNIS TATE
LAURISTON SALE TAYLOR, III
TIMOTHY OREN TAYLOR
LYNN GENE TEPPEN
PHILIP ANTHONY TESTA
BRADLEY THOMANN
DARYL SCOTT THOMPSON
JAMES ALAN THOMPSON
LAWRENCE EARL THOMPSON
MICHAEL RENE THOMPSON
ROBERTA LYNN THOMPSON
STEVEN MICHAEL THRAIKILL
BARRY M. TILDEN
WILLIAM EUGENE TILLERSON, JR
HENRY HELLMUT TINGLER
GARY MICHAEL TOMPKINS
MARK MATTHEW TRENOR
MARC L. TROIANI
STEPHEN HOWARD S. TRYON
MICHAEL D. TSCHILTZ
ROBERT URBAN TUOHY
DIANNA MARIE TURMAN
RICHARD TAD UCHIDA
M. R. VALENSTEIN
EDGAR BAGOYO VALERA
JOEL KENT VANDERWALL
JOHN CHRISTOPHER VANFOSSAN
ANTHONY JOSEPH VELLUCCI
JOHN R. VERBRYCKE
STEPHEN JAMES VESTER
PAUL JOSEPH VONHOENE
MICHAEL JOSEPH WAGAMAN
WILLIAM H. WALKER
CHARLES DAVID WALTERS
ALAN FREDERICK WARE
STEWART T. WARREN
ROBERT F. WARTHER
JOSEPH NMN WASEK, JR
MICHAEL NMI WATSON
AARON D. WATTS
JOHN LOUIS BROWN WAYNE
THOMAS PHILLIP WAYNE
MICHAEL ANTHONY WEBB
CRAIG ALFRED WEBSTER
FRANCIS WEBSTER
PETER HARTY WELLS
DOUGLAS E. WERTZ
CHARLES MICHAEL WEST
WILLIAM THOMAS WHALE, III
BRIAN MICHAEL WHITED
GARY ALAN WILLIAMS
THOMAS H. WILLIAMS
WAYNE LESLIE WILLIAMS
DONALD EUGENE WILSON
ELDON J. WILSON
RICK DOUGLASS WILSON
ROBERT GEORGE WILSON, JR
STEPHEN R. WILSON
JAMES ARTHUR WILTSHIRE
ARNETT J. WISE
WILLIAM F. WOLF
CRAIG STANISLAUS WOLFSON
DONALD L. WOLVEN
JAMES A. WOMBWELL
DAVID ELLIOTT WRIGHT
ROBERT PAUL WRIGHT
BENJAMIN SAMUEL YATES
FRANCES YATES
ALLEN CHARLES YOUNG
MICHAEL J. YURINA
JAMES M. ZAHORNACKY
STEVE RICHARD ZELL

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

TIMOTHY ALLEN BEATTY
DUANE ARTHUR BEAUCHAINE
BRENDA ERCELLE BLACKWELL
JOE CAMERON BLAKE
MICHAEL FRANCIS BOYER
TERRY ARTHUR BRAGG
ANDREW ALAN BRIGGS
JEFFREY SCOTT BRITTLE
SARAH LOUISE BROWN
JEFFREY W. CHIVERS
WILLIAM MICHAEL CHRISTY
ANN MARIA CLARK
BROOKS ALLEN COBURN
RICHARD H. COYLE
DAVID W. CUTTINO
ROGER STEVEN DADIOMOFF
JEAN M. DANIELS
MILES PATRICK DEAN
KENNETH M. DEEBLE
CHRIS RAY DEMPSEY
GLENN EMERSON DOTEN
NORMAN J. FARLEY
PAUL MICHAEL FERMOILE
GARY WYNN GEAR
MICHAEL STEVEN GIORGINO
KENNETH I. GOLDBERG
JOHN WARFIELD HARDY
JOSEPH DANIEL HARRINGTON
WILLIAM GARY HARRISON
MICHAEL JOHN HIGGS
ROBERT L. HOWARD
ROBERT K. HUDGENS
WILLIAM HENRY HUFHAM
VICKI LYNN KAINZ
JOHN JOSEPH KEARNEY
DONALD J. KSIAZEK
KEVIN JAMES LASHER
FREDERICK WOODWARD LEITH
ARLEN E. LIPPERT
JOHN PAUL LUMETTA
CARL MARTIN MAYABB
JOHN N. MCCARTHY
BARRY GENE MCFARLAND
MICHAEL B. MCGEE
PETER MENIO, JR
JOHN W. MICKELSON
ARCHIE NMN MITCHELL, JR
MARTHA ANN MITCHELL
JOSEPH A. MOLINARI
PAUL M. MOLLOY
KATHY READING MOORE
PATRICK D. MORGANELLI
LASZLO GEZA NEUWIRTH
SHERRY RUTH NEWTON
ROBERT EDMUND NORRIS
DONALD K. OWEN
RICHARD LYNN PAGE
PAUL FISK PAINE
THOMAS R. PALMER
SCOTT A. PARKER
DAVID MICHAEL PERDUE
ROBERT HANSON PORTER
WILLIAM PAUL RAMSEY
BRUCE ALAN RASMUSSEN
STEVEN MICHAEL REYNOLDS
VICTOR GORE RISTVEDT, JR
STANLEY R. RODMAN
DONALD LEO ROY
RONALD JOHN RUNDSTEDT
RICHARD S. SAUNDERS
MARK D. SAVIGNAC
KELLY FORREST SCHULTZ
RHONDA JEAN SHAFFER
TERRY PAUL SHEPERSKY
MICHAEL JON SHEWCHUK
SELVEN LAYNE SMITH
WILLIAM RANDAL SPENCE
KEVIN J. SULLIVAN
ROBERT JAMES SWANSON
ROBERT LEE SYKES
JOHN MICHAEL THOMPSON
MALCOLM DEWEY TIGNOR, JR
DONALD LOUIS URQUIDEZ
ROBERT ALAN VOGT
CAROL M. WALES
JOHN R. WEBSTER
JOHN WAYNE WESTBROOK
BARY C. WILLCOX
PHILIP ANDREW WINTERS
DAVID MICHAEL WOLCHKO, JR
SUSAN WESTON WOLFE
TERRAY E. WOOD

ENGINEERING DUTY OFFICERS

To be commander

GEORGE APRAHAMIAN
PATRICK JOSEPH BROWN
KENNARD MICHAEL BUDDENBOHN
JAMES L. BUTLER
MICHAEL DUNN CARATHERS
STEPHEN CRAIG COSSEL
FRED L. CURRY
ROCKIE JEB DELOACH
CHARLES L. HEWELL
THEODORE FRANK LAGERGREN
EDWIN GERARD LANDAUER
WILLIAM LEVIS
WALTER BUTLER LINCOLN, JR
ALVIN WARREN LIPPITT
ROBERT GLYNN MINER
JAMES EDWARD MUSICK
DAVID ANTHONY OBRIEN
PHILIP JOHN ROGERS
THOMAS PATRICK SHARKEY
LAURA DENISE STUBBS
DONALD JOSEPH WALSH
WILLIAM HARRY WILLIAMS, JR

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

SEAN PAUL CROOK
KEITH EDWIN HARDMAN
WILLIAM NELSON JACKSON
BENJAMIN BURNHAM JAMES, III
KEVIN TED MABIE
JEFFREY EDWARD PINKEL
DAVID L. POWELL
ROGER ALLEN YOUNG

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

ALLEN HENRY DUNN
PAUL EDWARD HARRIS
DANNY BILL HODGE
MICHAEL LEE MAUCK
DAVID LEE MCKINNEY
PHILLIP REGINALD POPPELL
FRANK WESLEY THOMSON
DAVID ALLEN ZORYCHTA

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE) (TAR)

To be commander

REX ALAN BENT

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

JEFFREY DOUGLAS ADAMSON
JOHN YOUNG ALLISON
PETER JOHN BLAKE
THOMAS JOSEPH DESJARDINS
KENNETH LEE DONAHUE
MATTHEW JOHN FLAHERTY
CHARLES EDWARD LANHAM
CRAIG WEST LEE
DAVID L. LIEBERMAN, III
BURNICE EDWARD MALPASS
MICHAEL TIMOTHY MONAHAN
KEVIN EDGAR MOONEY
ANTHONY HARRY MURRAY, III
TIMOTHY LEWIS ONEIL
JOHN GEORGE PETERLIN, III
RANDALL LOUIS PINETTI
MICHAEL KEVIN RAAB
THOMAS KOEP ROSE
ROBERT VINCENT SHEEN, JR
GARY ALLEN SIDELINGER
WILLIAM ALDEN SPOONER, III
JOHN FREDERICK WHITELEY
MATTHEW GEORGE WILKENS

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

EUGENE PAUL BESEL
CHARLES HENRY CHASSOT, JR
FRED ARNOLD CLAVELLI
ROBERT LEE ERWIN
KENNETH EDWARD GREEN
MICHAEL NASH HAASE
THOMAS STALEY HAWTHORNE
RONALD EUGENE HECOX
GORDON JOHN HILL
GEORGE WILLIAM HOLMES
THOMAS JAMES KEATING
DAVID WAYNE LEE
GORDON EUGENE MEEK, II
RONALD GEORGE MIHALEY
ANTHONY FRANK QUIDATANO, JR
GEORGE WESLEY SMITH, JR
RANDELL C. SMITH, JR
GARY LESLIE SULLIVAN

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

FORREST HARRY ALLISON, II
EUGENE BOJARSKI
THOMAS P. BREYER
BETH ADELE BRODERSEN
SUSAN MARIE BRYNESTAD
ROBERT JOHN BURCHHARDT
KATHLEEN ANN CHADBOURNE
DARYL LYNN CHAPMAN
DOUGLAS CREIGHTON CLARK
SUSAN ANN COTTEY
LEONARD ALBERT CURTIS, II
THOMAS W. CUTSFORTH
FRANCIS CLARKE DACHILLE
PAUL L. E. DAVIS
RUSTIN ECKSTROM
LAWRENCE ARTHUR ELLIOTT
ROBERT JOSEPH ERLAND, JR
DENIS WILLIAM FLOOD
JOHN A. FLORIO
ROGER ARLAN FOWLER, SR
DAVID PATRIC FRANCZYK
JOSEPH WAYNE GALLA
EDWARD P. GIBSON
PATRICK FRANCIS GILDEA
RICHARD CHARLES GLUCK
KEITH B. GOOD
WILLIAM EDWARD HARDING
SVEN NORDSTROM HASTINGS
JOHN W. JELICH, III
WILLIAM GARY JOHNSON
THOMAS JOSEPH KAPURCH
ROBERT C. KENNEDY
JAMES LEE KENNY
CHRIS R. KOURY
LINDA HALL KUEHNE
FRANCIS JAMES JOSEPH KULICK
TIMOTHY JOHN LOCKHART
CAROLINE ELIZABETH LOKKINS
MICHAEL WILMER LUTCHE
WILLIAM NICHOLAS MANAHAN
GEORGE FRANKLIN MANSFIELD
BRUCE CARL MARTIN
JAMES M. MCCLURE, JR
DAVID ROBERT MUENKEL
SHERRY DAWN NEFF
RICHARD RAYMOND OBENHAUS
JAN CHRISTINE ODONOVAN
TIMOTHY JAMES PARMENTIER
HILLMAN PATTEN
JOHN WARREN PRASCHER
JAMES HALLIBURTON PUCKETT
CHARLES HENRY ROBERTS
LOUIS F. SADLER
DOUGLAS JOHN SAHRBECK
EDWARD GREGORY SCHEUMANN
ALAN KARL SCHNEIDER
CONSTANCE MARIE SENKOWSKI
BRUCE MILLER SHAPARD
MICHAEL ROBERT SIDROW
CHRISTOPHER C. STASZAK
CURTIS NELSON STROMMEN
GEORGE PAUL SUGARS
COLLEEN CALHOUN THOMAS
KENNETH NEIL THOMPSON
LEE ANN TIMRECK
DANIEL E. TURBEVILLE, III
ELIJAH A. TURNER
PATRICK ANTHONY TUZZOLO
DANIEL IVES TYLER
JOHN JOSEPH VANORE
ROBERT GEORGE WATSON
CHARLES RAYMOND WHITE
ROBERT PAUL WILLIAMS
MICHAEL WESLEY WINKLER

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

BYRON DREW FOLEY
FRANK JOHN GIBLIN
KENNETH ROBERT NEWTON
HENRY JORDAN OLDFIELD
STEPHEN M. WORKMAN

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

RUDOLPH WILLIAM BREWINGTON
BARTON BUECHNER
DOUGLAS FRANCIS CHALLOS
WILLIAM LESTER HENDRIX
EMILY HYDE HOPKINS
BARBARA ANN KIELY
PATRICIA JANE LARSON
PAUL WILLIAM LOHNES, II
THOMAS MICHAEL PLANTENBERG
WILLIAM BRUCE SPIHER
GERARD JUDE WILLETT

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

DAVID CHRISTOPHER COPLEY
JAMES THOMAS COUNTIS
LARRY D. PHEGLEY

LIMITED DUTY OFFICERS (LINE)

To be commander

JOHN GRIMES DONAHUE
JAMES CLAYTON JOHNSON
ROBERT CHARLES LINDER
MALCOLM CONRAD MCCOLLUM
THOMAS JOSEPH OBRIEN
RALPH REITZ
EDWARD HERMANN SCHEYE