HOUSE OF REPRESENTATIVES—*Monday, May 1, 1989*

The House met at 12 noon.

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

O God, who has given us words and music with which to say and sing our praises to You, may we meditate not only on the difficulties and responsibilities of our day and time, but lift our heads to hear the heavenly music and Your abiding word, to know the beauty, the glory, the radiance of Your good gifts to us and to all people. Strengthened by Your power, O God, and warmed by Your grace, may we live this day and all the days before us aware of Your blessings and confident of Your constant love. This we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from Texas [Mr. COMBEST] please come forward and lead our colleagues in the Pledge of Allegiance?

Mr. COMBEST led the Pledge of Allegiance as follows:

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

WITH A GREAT SENSE OF HUMILITY AND GRATITUDE I STAND HERE AS A SYMBOL OF GREATNESS OF THE AMERICAN DEMOCRATIC SYSTEM

The SPEAKER. Under previous order of the House the gentleman from Texas [Mr. GONZALES], is recognized for 5 minutes.

Mr. GONZALES. Mr. Speaker, it was 36 years ago to the day, May 1, 1953, that I and eight colleagues took the oath of office as members of the city council of the city of San Antonio.

I recall quite clearly that it was a Saturday morning and that soon thereafter I lost whatever naivete and innocence I had about what I was getting into.

I had thought that under a council manager form of government, which the city had just had for 2 years, as a matter of fact, I sought that office as a member of the ticket and it defeated the first incumbent city council under the council manager form of government, which was inaugurated in San Antonio in 1951; it was soon apparent that some of those that had run on a pledge to uphold council manager form of government had done so with some reservations. That gave rise to the most turbulent, the most difficult, most arduous, the meanest, the toughest period in these 36 years that I have been honored to serve in an elective public capacity.

For 3 years later, I was nominated in July and elected in November of 1956 to the State senate. That again was a breakthrough and again, nobody else thought, much less I, that I had a ghost of a chance to win.

I had no resources to speak of, no formal backing of any particular group, and yet the people came through, because after 3 years on the city council in which I discovered that the best policy was what I had learned when I started to work at the age of 10 for a German pharmacist whose motto was: Honesty is the best policy. That has been fundamentally the basic policy all along.

I decided I would call the shots as I saw them. That soon got me into quite a bit of trouble because the council broke into two factions. The backers, then, of the ticket broke up into two factions.

In calling the shots as I saw them, I first offended one, then the other, then both, and then an attempt was made to scare me off the council by attempting to frame me.

I was shot at, I was attempted to be intimidated, everything that could be done was done, detectives were hired to find out if there was anything in my background that they could seize upon. Having been born and lived in San Antonio, there was no record whatever, for never in my life have I ever been arrested for anything, even though I grew up in a period of time when my surrounding neighborhood did develop quite a record for juvenile delinquency.

In the intervening years, 5 years in the State senate and now going on 28 years in the U.S. House of Representatives, I can only say that whatever it is I am, first it would be because of a very wonderful and loyal family, my wife to begin with, 8 children, and now 19 grandchildren with number 20 on the way.

But always I was discovering the greatness of just the plain average American citizen who has risen above prejudice, above discrimination and has elected the likes of me as far back, running countywide, as 1956, which was thought impossible.

Since then I have had the opportunity to serve on this level and again I wish to express my heartfelt appreciation to my colleagues on the Committee on Banking, Finance and Urban Affairs on which I have served the 28 years I have been here, and to the others, some of whom have retired or have gone on, but all of whom made it possible to work with all of the minds and the representatives and the personalities that are different, what I call sacred segments, individual districts of America, have sent here.

So, Mr. Speaker, it is with a great sense of humility and at the same time gratitude that I stand here as a symbol of the greatness of the American democratic participatory system, 36 years in public elective office with no particular resources as to economic, social, or other position.

□ 1210

REDUCE MILITARY BUDGET TO SUPPLEMENT CATASTROPHIC HEALTH CARE

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK. Mr. Speaker, I will not take 60 minutes, but I have more than 5 to say, and under the rules that is all that is available.

I am very pleased at the serendipity that brings me to the floor immediately after the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ] has spoken.

I arrived in 1981, and one of my first acts was to vote for the gentleman from Texas to be the chairman of the Subcommittee on Housing and Community Development, and that was at the time contested. I believe all Members will now agree that one of the best decisions we made from a standpoint of those Members who have concerns for the poor and the working people, that was one of the best decisions we could have made, and I am delighted to have served for 8 years under his leadership of the Subcommittee on Housing and Community, and for the few months of this year as he begins a new chapter of very distinguished service as chairman of the Committee on Banking, Finance and Urban Affairs.

The bill that we are now dealing with regarding savings and loans has

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been extraordinarily well handled by him. It has, unlike the bill in the other body, unlike the bill sent to Members by the President, concern for working people. It has in it, some part of that multi, multi, multibillion set aside to try and help those in distress, and if it were not for his commitment and the fortuitious circumstance that makes him the chairman, we would not have had that. I am delighted to be able to acknowledge what an important role he has.

I want to talk, Mr. Speaker, about another issue involving compassion. An amendment is going to be discussed at the Committee on Rules tomorrow. The amendment was formulated primarily by the gentleman from Illinois [Mr. RUSSO]. It is supported by 8 or 10 Members in a "Dear Colleague" letter that we are sending to the Committee on Rules. It is a very straightforward amendment. What it does is deal with the most important issues we as Members of the House can make, how do we allocate our resources.

There are people in the executive branch, there are people on our own staff, who exceed Members in expertise about a particular area. That is not surprising, given the nature of our job is to be conversant with a very wide range of subjects, and the more subjects Members have to have some knowledge of, the less time and energy Members have to become expert in a particular one. But where I believe the Members of this body excel, given our democratic mandates, our relationship with the people we represent, which is so regularly renewed by all Members, we are, I think, very well equipped to allocate the resources of this Nation, which we decide should be publicly allocated. Obviously, the great bulk of our resources are properly allocated through individual choice mechanisms in the private sector, but any civilized society has to allocate some publicly.

We have decided, publicly, to allocate roughly 20 percent of our overall product. Within that, the central question we are facing the year, as it has been for some years, but this year I think with a greater degree of force, the question is how much do we allocate to national security in the narrowest sense and how much do we allocate in dealing with the social problems that inevitably occur in a complex society?

I think the free enterprise system serves Members well, but no one who understands the free enterprise system thinks, at the most successful, it does away with a need for a government which plays a role in meeting needs that go unmet. The free enterprise can do something, but it does not even pretend to do others, and one of the roles of the Federal Government is to allocate the vast resources of this wealthy society as efficiently as possible, to deal with those unmet needs. One of our problems now is that we are vastly, vastly overspending in the military area. We are plagued, from time to time, by reports that people have sighted Elvis Presley. It is a minor plague, but it is a plague. People cannot go to a supermarket and wait in line without reading a headline about the late Elvis having popped up in some unlikely place. Well, I have come not to mind so much the sighting of Elvis because we are deeply plagued by a far more serious sighting of the dead, as if the dead has risen. People in the White House, in the State Department, in the Pentagon, and regrettably some around here keep sighting not Elvis Presley but Leonid Brezhnev. There is a view apparently extant here, that Brezhnev still lives, that the changes that are being made in the Soviet Union are Mikhail Gorbachev and his allies, some of which they are being driven by their own population, and it is a refreshing thing to be able to say for the first time in my memory the Soviet Union is feeling that kind of heat. I think that is all to the good.

Some are being forced to make, by turmoil in Eastern Europe and Hungary and Poland, clearly changes are going on in the Soviet Union. Gorbachev is clearly under pressure to spend less militarily. But if Members look at the military budget that President Bush sends to Members, Members would think Brezhnev was still alive.

Now, this administration does not all think Brezhnev is still alive. When it comes to religious minorities seeking to leave the Soviet Union, when it comes to the Jews and the Armenians and some of the religious Christians of non-orthodox sort, when it comes to those religious minorities that are seeking to leave the Soviet Union, this administration has followed the last days of the Reagan administration in reversing our policies. For the first time today, since the end of World War II, Jews, Armenians, and others who are seeking to flee the oppressive conditions that still remain in the Soviet Union may find themselves declared not to be refugees.

That is, this administration which, when it does the military budget, tells Members it is the same old Soviet Union as far as we better act as if it is the same old Soviet Union, we better not take into account any of the changes, "Maybe later," they say, "but right now we better do military budgets as if nothing changes," but when it comes to granting refugee status to Jews and Armenians, they say this is a new Soviet Union, things are better, and for the first time we are denying people refugee status.

So it seems to me the administration thinks Brezhnev is running Russia, and it seems to me they seek Andre Sakharov is running Russia, and never seem to get it just right. They err between an excessively harsh view and a fatuously naive one.

In the military area, it seems clear that Gorbachev is driven by various pressures to reduce his military spending, and our response, strangely enough, has been to pay no attention to that. Indeed, we now have a situation where the United States and our British allies are threatening the stability of the German Government because we are pressing that Government not to talk about taking Gorbachev at his word and exploring the opportunity, not taking him at his word automatically, but taking him at his word to explore opportunities for cut. We are not asking our NATO allies to collaborate with members in a plan to reduce our military expenditure. We will be dealing later with an incredible plan that the President has put forward, the leadership of the Committee on Armed Services of both bodies, to commit Members to two planned new mobile missile systems on the land. We are acting as if there is no basis for reducing the military except in the most marginal way.

The gentleman from Illinois [Mr. RUSSO] has an amendment that addresses that in a very specific way. It does not take much of the military, $2.5 billion, a very small percentage, less than a full percentage point, but it says in light of all that is happening in the Soviet Union, can we not take less than 1 percent and put it somewhere very necessary, and the necessary place is in catastrophic medical care. The amendment that will be discussed at the Committee on Rules tomorrow that I am proud to be supporting and hope we will have a chance to vote for on the floor of this House says something that we ought to be willing to say from time to time, that because of the pressures that Ronald Reagan exerted, we in Congress made a mistake when we adopted the catastrophic health bill as we did. I believe the benefits provided for the catastrophic health bill are useful ones. I believe that properly understood by State administrators and others, it will allow all the people to reduce the amount spent on private insurance to supplement Medicare. The mistake we made was in giving in to President Reagan's insistence on how to finance, historically, philosophically, we have believed, most Members, the Government ought to decide what are appropriate levels of programs to be providing to meet the needs of our people. Then to pay for them as fairly as possible out of taxes that are levied on everyone.

□ 1220

We made, I think, a mistake in deviating from that when we did the catastrophic health bill. President Reagan said to us, "I will not sign a bill provid-

ing catastrophic health benefits unless you tax those who are going to benefit from it," and we acceded to that. I voted for that reluctantly, but promising myself and others that as soon as it became law and President Reagan had departed and the time came when we did not have to have two-thirds to get over his veto, because that would not have happened, I believed we would have been able to change the financial system, and I think we are making progress on that.

The amendment that the gentleman from Illinois [Mr. RUSSO] has and that we will offer in the Rules Committee tomorrow says that we will take from the military budget less than 1 percent and use it to reduce the unfair and unwise extra taxes that we levied on elderly people to pay for the catastrophic bill, because under that bill for the first time, I believe, in our history, if you are 70 years old and you are making a certain amount of money, you will pay more taxes than if you were 50 years old and making the same amount of money. These older people are being forced to pay an additional monthly premium and an additional tax. That is wrong, and it is unnecessary.

Some of the defenders of the program said, "No, we must go to this new system where the people who are already receiving the benefits will pay for them." That is a reactionary attack on the ability of a civilized people to allocate its resources in ways that are socially constructive. There are important purposes that the Government must serve where the beneficiaries cannot afford to pay, obviously. We do not say that public education should be paid for only by the children who receive it, or by their parents. People who have never had children in the public school system are asked to pay public school taxes. I think that is fair.

People receive all manner of services from this Government, and some people pay for services which they do not use. We support national parks, wilderness trails, and a whole range of things; there are some small user fees, but by and large, we think the Government ought to pay for those things whether people use them or not. We do not charge a fee if you go into a park in our cities. We think it is useful to have them. We do not support public transportation only by the fare box. I think most of us would think that a rather poor idea.

If we accept that principle, that we will only extend benefits if we can tax the beneficiaries, we have crippled ourselves, we have prevented ourselves from responding to real needs.

What about the homeless? Do we respond to the terrible plight of the homeless in this society by making them pay for their benefits? That is nonsensical. We can say, "Well, there are some wealthy elderly citizens who ought to pay. There are some wealthy Americans who could in the right circumstances be asked to pay additional taxes." I do not think we have reached that point yet because I think the bloated military budget offers us a chance to reduce spending in ways that put off the requirement for such taxes.

But why are wealthy 70-year-olds to be put to the test more than wealthy 40-year-olds in this regard? There is no logic to it, except the logic that says, "Let's not let the Government do these things," and by imposing the principle that we only fund a new program if we tax the beneficiaries, we are preventing any new programs from existing.

Many of us feel that it is very important that we come forward with a program that provides long-term care funds. Right now, if you are older and have to go to a nursing home, you will very probably be bankrupted. This Government tells a lot of older people, "Look, all your lives it is important to save money and put it aside." But then they say, "But, by the way, if you get very sick and have to go to a nursing home for a couple of years, we will take all that money that you saved, and once you are a pauper, then the Government will help you."

I do not think that is a worthy attitude for this society. I think all of us deserve better. It is not just the elderly that deserve better, because we all hope to be elderly some day. We all deserve better; we ought to give ourselves a better system. But if we adopt this principle of the financing of the catastrophic health bill, then presumably we only have long-term health care if we again tax the elderly who are receiving this long-term health care.

I do not want to tax only young people for education, I do not want to tax only old people for catastrophic health care, and I do not want to tax only the people who love the great outdoors when we look for resources to protect our environment. That simply does not make sense. It is a reactionary principle.

So we have a proposal put forth by the gentleman from Illinois [Mr. RUSSO], who deserves great credit for taking the lead in this matter. His service on the Budget Committee and the Ways and Means Committee has equipped him, I think, quite well to understand the financial mechanisms involved, and he has come forward, drawing on his expertise in both those committees, the Ways and Means Committee, which deals with health care and taxes, and the Budget Committee, which deals with resource allocation. He has drawn on that considerable expertise to come forward with a very sensible amendment.

What the amendment says is this: "Let's take 1 percent of the military budget; let us assume that Gorbachev is going to make a 1-percent difference, and let us take less than 1 percent of the budget, building on a margin for error, and put it into the catastrophic health bill to cut half of the premiums now being paid."

He is being moderate. I think we could probably go further, but I think he has made the right choice to take the first step. He is saying that we should let this House vote on whether or not we want to reduce the military budget by less than 1 percent and use that money to substantially diminish the burden we have unwisely and unfairly put on older people. If we do that, I think we will be well on our way to reducing that tax to zero, because, as has been pointed out by the people who have been watching these numbers, in fact the tax is bringing in far more than was expected.

Even if we did not want to bring in other financing systems to help the elderly with this unfair burden, we would in a rational world reduce the tax because we have overtaxed the elderly. I do not think we should have taxed only the elderly for this purpose. But even if we accept those assumptions, it is quite obvious—and the chairman of the Senate Finance Committee has accepted this fact by looking at the numbers—that the tax is bringing in more than is needed for the stated purpose. So between that excess that the tax is bringing in and our ability to move to the military, we could substantially reduce that tax, not to absolute zero right away, but substantially. I think if we would look to other sources like the tobacco tax, we could wipe it out altogether if we combined it with the military.

But it is clear that with the amendment of the gentleman from Illinois [Mr. RUSSO] and with the revenues that are coming in at a higher rate, we could reduce that tax by far more than half right now, and I think that would be a substantially better operation. And I want to stress that I think it is better philosophically as well. It is not "responsible government" to say that we only finance programs by taxing the beneficiaries. That is a reactionary idea. We do not follow that principle in any other program, and if we adopt this and make it into our principle, we will prevent, as I believe President Reagan intended, the expansion of programs.

We would not build subsidized housing if we were going to make the people who live in the buildings pay fully for it. Then it would not be subsidized. We would not have a voucher program. This administration, like the previous one, used the voucher program for housing. We do not charge the recipients of the vouchers for the

vouchers. That would be pointless. What is the point of giving them a voucher worth $500 a month and then charging them $500 a month? That is what we say we are doing with the elderly, and it does not make any sense.

So I hope the Rules Committee will give this House the chance to do what it does very well, and that is to vote on this amendment, and that we will adopt the amendment.

Just to summarize what we are saying, let us make it very simple. Financing programs to help older people with their health benefits is a very good idea. The free enterprise system does not take care of that. It gives us the resources with which we can do it in a sensible way. But taxing the elderly, singling out the elderly people to pay unfair taxes for their benefits, is wrong. Making the amount of the tax you pay go up as you grow older follows no rational principle. We should not single out the elderly and say, "You alone will have to pay for your benefits. We won't tax the school children and their parents for schools only, we won't tax other people for the programs they take advantage of, but you, the elderly, will be singled out, and you, the elderly, will be forced to pay a higher level of taxation."

That just does not make any sense. The gentleman from Illinois has an amendment which will allow us to show that this does not make any sense, and I anticipate, Mr. Speaker, that we will have very broad support for offering this amendment from our Republican colleagues. Many of them may not vote for the amendment. I know that many of them have talked about how sorry they are for the poor elderly. My guess is that they, however, are so attached to voting every last dollar that can conceivably be thought of for the Pentagon that they will allow that to override their concerns for the elderly.

But as to the right to offer this amendment, Members on the Republican side were very eloquent last in objecting to rules they found to be too restrictive. They said it is a mistake for the House not to vote on matters that are important. Recently a document was circulated by the Republican leadership in which they gave the Republican plan for the year, and one of the things they said specifically was that if there are important issues, the House should vote on them. So I am confident that the Republican members of the Rules Committee will join the gentleman from Illinois and others in putting that amendment in order.

□ 1230

I also hope the President will rethink his position; I say in closing, Mr. Speaker. Unfortunately, when the chairman of the Senate Finance Committee pointed out that the tax that we imposed on the elderly was bringing in more money than was expected, the President responded by saying that he did not think that was a reason to reduce the tax. He said, "Let's just build up the money in extra reserves, if that's all we have to do."

In other words, Mr. Speaker, President Bush, when confronted with this evidence that the tax on the elderly, the tax that only the elderly pay, was bringing more than we need, he did not agree with the suggestion that we should lower that tax. He said, "No, let's just keep taxing the elderly, and we'll take the extra money we're getting from them, and we'll put it aside to use for Medicare later."

He is wrong, Mr. Speaker. That is not a fair way to treat the elderly.

President Bush talked about no new taxes, so technically he is not breaking his pledge, but it seems to me out of spirit with his pledge, with his portrayal of himself as an antitax man, for him to say to the elderly, "Oh, you know that tax that we imposed on you that's bringing in much more than we thought, much more than we needed? We're going to leave it just as it is. We're going to continue to take from you more than we need to take."

Mr. Speaker, I think that is a very grave error. I hope that the President will reconsider, and some of my colleagues here on both sides, Democrats and Republicans, will reconsider, because the principle, and I would address this to my Democratic colleagues, the principle that they are asserting, that it is responsible progressionism to make the beneficiaries themselves pay for the benefit, it is in fact a very reactionary one that will prevent us from doing what we need to do.

So, Mr. Speaker, in summary I hope the President will reconsider his opposition to reducing the tax on the elderly. I hope the President will understand that the fact that we are overtaxing the elderly, by these statistics, the irrefutable statistics, means that we ought to move. I hope the Rules Committee will allow this House to do what it does best, vote on the board questions of allocation of resources and, therefore, make in order the amendment by which we can take less than 1 percent of the military budget and make it available to reduce the cost of the catastrophic health care. I believe, if we act on these principles, we will have treated older people a lot more fairly than they have recently been treated.

INDEPENDENT EXPENDITURE CLARIFICATION ACT

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today I am introducing the Independent Expenditure Clarification Act, one of a series of bills dealing with Federal elections.

The Federal Election Campaign Act attempted to get campaign expenditures under control by providing for public financing of Presidential elections, and applying controls on political action and campaign committees. If everybody lived up to the spirit of the 1971 law, I would not be here today with this bill which will close another loophole that lets large amounts of money into political campaigns through the back door.

Under present law, expenditures can be made for political activity on behalf of a candidate for Federal office by independent entities—entities which are supposed to have absolutely no connection with and no communication with the candidate.

When the law was drafted, the expectation was that this money would go for good things like telephone banks, registration drives, and generic political advertisements. A candidate would not be involved in any of these things, or cooperate with them in any way. That is the way it was supposed to be. Unfortunately, it hasn't worked as cleanly as forecasted.

Under the guise of independent expenditures, managers of campaigns and their fundraisers have been able to raise and spend funds by the use of front groups, so-called independent PAC's, and other independent organizations. They do this knowing that they are not supposed to communicate or cooperate with such entities, but they also know that they can get away with it because disclosure requirements under current law are inadequate.

Independent money eventually gets reported to the Federal Election Commission, but comes into public view reluctantly and late. As it is now operating, present law encourages deceit, cover up, and cheating.

My bill tightens the definition of an independent expenditure, and requires that independent expenditures be clearly identified. While it does not put a stop to independent expenditures, which would be unconstitutional, it clarifies the law with respect to disclosure so that we can all see what is going on. When my bill is passed, these expenditures will have to be truly independent.

If campaign managers want to resort to independent expenditure games to supplement their funds, we will all know about it and make appropriate judgments about it.

If independent political action committees want to attack candidates and what they stand for, we are entitled to know who is supporting and contributing to the attacks.

Mr. Speaker, this bill is needed if we are to act responsibly in the area of campaign financing. I assure the House that the Committee on House Administration, through our Elections Subcommittee, intends to act this year on these and other election matters. Federal election legislation has the highest priority for our committee and for the 101st Congress. I urge all of you to study these bills carefully and give us the benefit of your

knowledge and experience. Your input and support will be deeply appreciated.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. LLOYD in five instances.

Mr. HAMILTON.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. DE LA GARZA in 10 instances.

Mr. MCMILLEN of Maryland.

Mr. MAZZOLI in four instances.

Mr. MONTGOMERY.

Mr. ACKERMAN in two instances.

Mr. COELHO.

Mr. WYDEN.

Mr. SMITH of Iowa.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 678. An Act to make a correction in the Education and Training for a Competitive America Act of 1988.

SENATE ENROLLED JOINT RESOLUTION SIGNED

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

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 124. Joint resolution to recognize the seventy-fifth anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

ADJOURNMENT

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

The motion was agreed to: accordingly (at 12 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 2, 1989, at 12 noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1988 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following reports for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

DEPARTMENT OF ENERGY,
Washington, DC, March 14, 1989.

Hon. JAMES C. WRIGHT, JR.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The following information is submitted pursuant to the provisions of Public Law 85-804, and implementing instructions contained in Federal Acquisition Regulation Part 50.

For the calendar year ending December 31, 1988, the following actions are reported for the Department of Energy (DOE).

1. Actions Approved: Residual Powers.

(1) Amount Requested: Undetermined Amount.

Amount Approved: Undetermined Amount.

(a) Contractors: Babcock & Wilcox Company, Naval Nuclear Fuel Division (B&W) and UNC Naval Products (UNC), a Division of UNC Incorporated.

(b) Services Involved: All Fiscal Years 1988 and 1989 Naval Reactors contractual actions (new contracts and applicable actions to existing contracts) with the core vendors, B&W and UNC. The reactor cores are for nuclear powered submarines and surface ships. They are supplied by two naval reactor core vendors, B&W and UNC. Both contractors are uniquely qualified to perform the detailed engineering, precise manufacturing and rigorous quality assurance required to fabricate naval reactors cores, and they have designed and constructed facilities and equipment for this purpose.

(c) Circumstances Justifying the Action—Every previous core contract placed with B&W and UNC included the Department's standard "Nuclear Hazards Indemnity—Product Liability" clause. These statutory indemnity agreements have been based upon the Government's written determination that the contractor is under risk of public liability for a substantial nuclear incident only to the extent caused by a product delivered to or for the DOE. This indemnity was authority by Section 170 of the Atomic Energy Act of 1954, as amended by Public Law 85-256, the "Price-Anderson Act." However, the "Price-Anderson Act," which expired on August 1, 1987, had not yet been extended by Congress and, thus, the indemnity clause was unavailable for inclusion in upcoming contract actions with these core vendors. Yet, the nuclear risk for the product delivered from new work existed to the same extent as it did for those core contracts which included Price-Anderson coverage. The Secretary of Energy determined that indemnification under Public Law 85-804 should be included in these contract actions in the event of a delay or failure in Price-Anderson extension, and extended to appropriate subcontractors, based on a finding that the contract work for the manufacture of product for nuclear power reactors for nuclear powered ships and submarines imposes on the contractors a risk of claims for liability arising out of or resulting from a nuclear risk.

(2) Amount Requested: Undetermined Amount.

Amount Approved: Undetermined Amount.

(a) Contractor: Martin Marietta Energy Systems, Inc. (MMES).

(b) Services Involved: Contract with MMES for the management and operation of the Portsmouth Gaseous Diffusion Plant (PGDP). The tasks performed by MMES include the enriching of uranium for commercial and DOE Defense Program customers, as well as the processing, handling, and storage of special nuclear material and source material.

(c) Circumstances Justifying the Action: The existing contract with MMES for the management and operation of the PGDP was due to expire on June 30, 1988. The contract contained a clause entitled "Nuclear Hazards Indemnity—Responsibility of Corporation—Contingencies," which was permitted by the Price-Anderson Act. The Price-Anderson Act expired on August 1, 1987. Since Congress had not enacted legislation that would extend Price-Anderson, the Department had to utilize some other method of indemnifying certain of its contractors to protect both the contractors and the public. The Secretary of Energy determined that indemnification under Public Law 85-804 should be included in this contract, and in appropriate subcontracts, based on a finding that the contract programs related to military and atomic energy production, construction, and stockpiling are essential elements of the contract and that these and other activities under the contract impose on MMES a risk of claims for liability arising out of or resulting from a nuclear risk.

2. Actions Denied: None.

Sincerely,

LAWRENCE F. DAVENPORT,
Assistant Secretary, Management and Administration.

OFFICE OF THE SECRETARY OF DEFENSE, ADMINISTRATION AND MANAGEMENT,
Washington, DC, March 16, 1989.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85-804, enclosed is the calendar year 1988 report on *Extraordinary Contractual Actions to Facilitate the National Defense.*

Section A, Department of Defense Summary, shows that 37 contractual actions were approved and that two were disapproved. Those approved include actions for which the Government's liability is contingent and cannot be estimated.

Section B presents those actions which were submitted by the Army, Navy, and Air Force with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included. The defense Logistics Agency, Defense Communications Agency, Defense Mapping Agency, Defense

Nuclear Agency, and the Strategic Defense Initiative Organization reported no actions.

Sincerely,

D.O. COOKE,
Director.

Enclosure: As stated.

CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE

SECTION A. DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE—JANUARY-DECEMBER 1987

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense—Total	30	0	0	2	$20,578,305
Amendments without consideration	0	0	0	1	20,000,000
Correction of mistakes	0	0	0	1	578,305
Contingent liabilities	30	0	0	0	0
Army—Total	8	0	0	1	20,000,000
Amendment without consideration	0	0	0	1	20,000,000
Contingent liabilities	8	0	0	0	0
Navy—Total contingent liabilities	20	0	0	0	0
Air Force—Total	2	0	0	1	578,305
Correction of mistakes	0	0	0	1	578,305
Contingent liabilities	2	0	0	0	0
DLA—Total	0	0	0	0	0
DCA—Total	0	0	0	0	0
DMA—Total	0	0	0	0	0
DNA—Total	0	0	0	0	0

SECTION B. DEPARTMENT SUMMARY

Contractual Actions With Actual or Potential Cost of $50,000 or More Taken Pursuant to Public Law 85-804 to Facilitate the National Defense

January-December 1988

U.S. Army

Contingent Liabilities:

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in six contracts (the potential cost of the liabilities cannot be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor and number of contracts

Jacobs Engineering Group, Inc.	1
The Salk Institute	1
Stearns-Rogers Division of United Engineers and Constructors, Inc.	1
U.S. Army Armament, Munitions and Chemical Command	3
Total	6

Contractual actions with Actual or potential cost of $50,000 or more taken pursuant to Public Law 85-804 to facilitate the national defense

January-December 1988

Contractor: Keystone General, Incorporated.

Type of Action: Amendment Without Consideration.

Actual or Estimated Potential Cost: $6,752,000.

Service and Activity: Army Communications-Electronics Command and Army Materiel Command.

Description of Product or Service: Radio Sets.

Background: Keystone General, Incorporated (Keystone) of Cincinnati, Ohio was incorporated in September 1980. The company's operating personnel include key technical and management personnel with previous experience with production of military tactical radio equipment. Managerial and supervisory echelon personnel have been employed by AVCO/Electronics, E-Systems, Magnavox, RCA, ITT and General Electric—all of which have been successful producers of Army electronic items.

From its inception, Keystone has identified military electronics and communications systems and equipment as its primary product base. Special focus was placed in the area of tactical communications systems emphasizing the AN/PRC-77 Radio Set and the AN/VRC-12 Vehicular Radio Communications System. The AN/PRC-77 is a short range manpack-portable, frequency modulated (FM) receiver-transmitter used to provide securable two way voice communication. The AN/VRC-12 Radio Set consists of three major components: Receiver-Transmitter (RT) 442, RT, 524 and RT 246. It is a short range, vehicle mounted, frequency modulated (FM) receiver-transmitter also used to provide securable two way voice communication. Both Radio Sets have been the mainstay of the U.S. Army's and other DoD components' communication networks since the early 1960's. Keystone is the sole producer of the AN/VRC-12 series of radios.

During early contract performance, Keystone had significant difficulty fabricating the necessary AN/VRC-12 First Article units in sufficient time to perform First Article tests and submit a First Article Test Report by March 16, 1986. The root causes of this difficulty were inadequate finances and poor management. The contract was modified, on two separate occasions, to extend the delivery date for the First Article Test Report. Keystone submitted the First Article Test Report in August of 1987 and production began shortly thereafter. To date, Keystone has produced about one-third of the AN/VRC-12 Radio Sets required under the contract.

On October 5, 1987, Keystone submitted its Request for Extraordinary Contractual Relief based on theories of mutual mistake and essentiality to the national defense. The October 5, 1987, claim, covering both AN/PRC-77 contracts, asserts that the contract should be reformed by increasing the contract unit prices from about $930 to approximately $1,700 in recognition of escalations in both material and labor costs from 1983 to 1987. Keystone requested recovery of one-half of the $4,970,349 estimated cost to complete both AN/PRC-77 contracts, or $2,485,000.

On March 21, 1988, Keystone amended its request to include production losses under the AN/VRC-12 contract as a part of its request for extraordinary contractual relief. To date, Keystone's for extraordinary contractual relief seeks $8,344,000 based on its essentiality to the national defense and Government action, as well as correction of the alleged mutual mistake in bid process under its two AN/PRC-77 contracts.

Justification: Keystone requests Public Law 85-804 relief under the authority set forth in FAR 50.302-1, "Amendments Without Consideration." Paragraph (a) provides that:

When an actual or threatened loss under a defense contract, however, caused, will impair the productive ability of a contractor whose continued performance on any defense contract or whose continued operation as a source of supply is found to be essential to the National defense, the contract may be amended without consideration, but only to the extent necessary to avoid such impairment to the contractor's productive ability.

Keystone asserts that both its ability to continue performance on its present contracts for the AN/PRC-77 and AN/VRC-12 Radios and its continued operation as a source of supply for the above-referenced defense articles are essential to the national defense. Keystone alleges that losses on the contracts cited above have caused a severe cash flow problem. Further, because of those financial difficulties, Keystone's existence as a viable Government contractor has been threatened. Therefore, Keystone concludes, extraordinary contractual relief is appropriate in this case.

Both CECOM and AMC have recommended that the requested relief be granted. Both rely on the conclusion that Keystone's existing contracts and Keystone's continued operation as a source of supply for future contracts are essential to the national defense.

Keystone is currently one of two producers on contract for the AN/PRC-77 and is the sole domestic producer for the complete AN/PRC-77 Radio Set. Keystone is also the sole producer on contract for a number of spare parts for the AN/VRC-12 Radio Set. The office of the Army's Deputy Chief of Staff for Operations and Plans (ODCSOPS), has confirmed that the AN/VRC-12 Radio and AN/PRC-77 Radio are on the Department of the Army Critical Items List. That list identifies the radios as a necessary item for equipping soldiers mobilized in the event of war or National emergency. The AN/PRC-77 Radio Set reportedly is also an essential component of many major weapons systems listed on the Army and Defense Guidance Critical Items Lists. The ODCSOPS representative stated that the importance of having a manufacturer capable of producing these radios during mobilization cannot be overstated.

After consideration of the evidence submitted by Keystone, CECOM, AMC, and ODCSOPS, the Board finds that Keystone is essential to the National defense. This determination applies to both Keystone's performance on existing contracts as well as their continued operation as a source of supply.

Keystone has also requested relief pursuant to FAR 50.302-1(b) "Amendment Without Consideration Based on Government Action," and FAR 50.302-2 "Correcting Mistakes." The Board finds no basis for granting such relief. Any losses which may have been suffered by Keystone were as a result of their own action or mistakes in judgement. The Contracting Activity's action in administering Keystone's contracts were appropriate.

Decision: By unanimous decision of the Army Contract Adjustment Board, an amendment without consideration is hereby authorized under FAR 50.302-1. The Board concludes that continued performance of the three existing contracts and the continued operation of Keystone General, Inc. as a source of supply, are both essential to the

national defense within the meaning of FAR 50.302.1. The relief is subject to the conditions set forth below:

1. CECOM is authorized and directed to enter into a supplemental agreement with Keystone which will increase the contract price of existing contracts by $6,752,000. The $6,752,000 shall be placed in a controlled account to be administered and paid out by direction of the procuring contracting officer or his designee in such manner, under such conditions, and in such sums, and at such times as he determines are required to assure completion under the contract.

2. Keystone agrees to waive any and all claims of whatever nature or kind it might have against government arising out of or under any current contracts.

3. Keystone agrees to such audits and inspections as deemed necessary by the procuring contracting officer or his designee, at his sole discretion, prior to and upon completion of the contract.

4. Options on existing contracts for AN/PRC-77 and AV/VRC-12 Radios are cancelled.

5. Without prior procuring contracting officer approval, salaries, and all other compensation (including benefits and deferred compensation) of the active or retired officers, directors, and management personnel of Keystone and all of its divisions and subsidiaries shall not exceed existing levels until the three existing contracts have been completely performed.

6. Without prior contracting officer approval, no dividend or other equity distribution to shareholders of Keystone, or any of its subsidities shall occur until the three existing contracts have been completely performed.

7. Keystone agrees to seek approval from the procuring contracting officer prior to any sale of its assets or of any of its subsidiaries assets. In the event of such sales, Keystone agrees to apply the proceeds from the sale to reduce the amount claimed or invoiced under the existing three contracts.

8. Keystone agrees to apply any net profit it makes from any of its operations or those of its subsidiaries to reduce the amount claimed or invoiced under these three contracts until such contracts completely performed.

9. Keystone shall not make any capital expenditures without prior procuring contracting officer approval.

10. Keystone agrees to utilize any and all cash reserves generated during performance of these contracts to liquidate the principal on exising debts.

This action will facilitate the national defense.

Contractor: National Defense Corporation.

Type of Action: Amendment Without Consideration.

Actual or Estimated Potential Cost: $5,000,000.

Service and Activity: Department of the Army, Eau Claire, WI.

Description of Product or Service: Environmental Restoration.

Background: National Defense Corporation (NDC), a wholly owned subsidiary of National Presto Industries, Incorporated (NPI), of Eau Claire, Wisconsin has applied directly to the Army Contract Adjustment Board (Board) for extraordinary relief pursuant to Public Law 85-804. NDC's application for relief does not specify a particular contract under which the firm requests extraordinary relief and the Board believes that only the firm's facility contract is appropriate for consideration in this regard. However, NDC activities which eventually led to the expenditures occurred over the course of a number of years during which various Army contracts were in force. In accordance with the terms of an agreement dated February 19, 1988, between NDC, NPI, and the Department of the Army (Army), NDC seeks to recover one half of the sum of the firm's expenditures made between January 1, 1984, and Spetember 30, 1987, for environmental restoration of its Eau Claire, Wisconsin site, and 100 percent of the sum of its expenditures made for the same purpose between October 1, 1987, and February 17, 1988. NDC represents that it has incurred $713,656.29 in site-related environmental restoration costs between January 1, 1984, and September 30, 1987. This figure has yet to be subjected to an Army audit. NDC has not yet officially calculated its expenditures between October 1, 1987, and February 17, 1988, but has volunteered a preliminary estimate of $130,000.

NDC and NPI were not the original owners of the industrial facilities situated at Eau Claire. NPI acquired the 328-acre site from the United States on September 1, 1948. The United States War Department had previously acquired the land in 1940 and in 1942 had constructed a facility designed to produce .30 caliber incendiary and ball ammunition. The Government and at least one lessee operated the facility until November 1, 1945, whereupon the War Department declared the property, then known as the Eau Claire Ordnance Works #2, surplus to the needs of the Government. Its acquisition by NPI soon followed. In 1953 and 1955 respectively, the Army awarded contracts to NPI to install 105MM M1 and 8" M106 metal parts production facilities at Eau Claire.

For many years, NPI has been aware of the existence of deposits of contaminants at the Eau Claire site. In 1983 the Wisconsin Department of Natural Resources (DNR) became aware for the first time of deposits of volatile organic compounds at Eau Claire. Soon after, DNR nominated the site to the United States Environmental Protection Agency (EPA) for inclusion on their National Priorities List. While NPI objected strenuously to the nomination, the EPA ultimately approved the site for inclusion on the National Priorities List on May 20, 1986, pursuant to Section 105(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. Section 9605(8)(B). This action triggered a requirement that NPI perform a Remedial Investigation and Feasibility Study to determine the extent of contamination at the site and to examine the means available to prevent the contamination from posing a threat to human health and the environment. While the Remedial Investigation has not yet been completed, preliminary results indicate the presence of perchloroethylene, trichlorethylene, and 1,1,1 thrichloroethane, chlorinated solvents used in the manufacture of metal parts and for other purposes. NPI and NDC do not dispute the probability that the bulk of these solvents were deposited on the site during NPI's manufacture of 105MM M1 and 8" M106 metal parts for the Army during the 1950s, 1960s, and 1970s.

Under Section 107(a)(2) of CERCLA, any party who has owned land upon which hazardous wastes have been deposited during or prior to that party's ownership of the land is potentially responsible for, among other things, the costs of cleaning up the contamination (42 U.S.C. Section 9607(a)(2)). The Army, NPI, and NDC, all of whom are in the chain of title for the Eau Claire site, may qualify as responsible parties under CERCLA and potentially can be held jointly and severally liable for the costs of remedying the conditions of the site. It is by no means clear that the Army is a potentially responsible party, namely because it is not known whether contaminants were deposited on the premises during the Army's ownership of the site. If the question of responsibility for the contamination were litigated among the potentially responsible parties, each would be entitled to prove that one or another party was more directly responsible for depositing the contaminants on the premises and should therefore bear a proportionally greater share of the cleanup bill.

As early as 1978, NPI petitioned the Army to pay for the required cleanup of the site. NPI's theory of Army liability was that NPI had dedicated the facility to the production of Army munitions for the Army under accelerated schedules during the Southeast Asian conflict; because the Army was the principal beneficiary of production at the site, NPI argued that the Army should properly bear the costs of contamination that such production entailed. The Army considered NPI's request under the former sites component of the Department of Defense Installation Restoration Program and found it wanting. According to Army and DoD environmental officials, there was little or no evidence that the Army's activities on the site during the period of its ownership contributed to the contamination. Futhermore, these officials concluded that NPI's "beneficial" theory of liability had no basis in environmental statutes or judicial decisions.

As the prospects for settlement of the question of responsibility for the Eau Claire contamination grew dim, NDC officials represented that failure by the Army to reach an understanding with the firm on paying for the required cleanup could have disastrous consequences for the Army's mobilization base for 105MM and 8" metal parts. Specifically, NDC referred to provisions in its facility contract with AMCCOM that permitted the firm to terminate its relationship with the Army and direct the Army to dismantle and remove the nearly $100 million in Government-owned equipment presently located on the site. Such action, NDC observed, would cost the Army a minimum of $8 million not to mention the costs of locating the equipment in a production mode at another site. Army officials determined that only two alternatives to NPI's threatened action were legally available, neither of which was particularly palatable. The first is condemnation of the facility under the power of eminent domain, an action that would require specific Congressional authorization. The second is abandonment of the government-owned equipment in place at the site, an action that admittedly would save $8 million in relocation costs but would involve the forfeiture of over $100 million in United States property. Faced with the prospect of losing a facility critical to the United States's defense establishment, the Army entered into the above-referenced agreement to participate in the environmental restoration of the site. This agreement essentially requires that the Army initially fund nearly 100 percent of "site-related environmental restoration costs" up to a total of $5 million (or greater if Congress authorizes expenditures for

such purposes in excess of that amount). NDC, for its part, has agreed to reimburse the Army for 50 percent of these expenditures (up to a limit of $3.5 million) out of its negotiated profit on future production contracts for 105MM and 8" metal parts. NDC's reimbursement obligation expires precisely 10 years after the date of execution of the agreement, or February 19, 1998.

Justification: To a large degree, Congressional sentiment guided the Army in agreeing to participate financially in the environmental restoration of the Eau Claire site. The Conference Report on the Fiscal Year 1988 DoD Appropriations Act authorizes the Army to expend up to $5 million out of the "Procurement of Ammunition, Army" account for participation in the environmental restoration entered into by the current owner of the site and the Department of the Army." In entering into this agreement, the parties were careful not to purport to dispose of the question of responsibility under environmental laws for the contamination of Eau Claire. Instead, the agreement preserves whatever rights the parties have under statutes or at common law to sue for or recover the costs of participating in the environmental restoration of the Eau Claire facility.

It is pursuant to this agreement that NDC now comes forward for extraordinary relief. Paragraph III of the agreement requires the Army to pay to NDC 50 percent of the sum of its "past" environmental restoration costs (defined in the agreement as those costs paid between January 1, 1984, and September 30, 1987, and 100 percent of its "present" restoration costs (defined as those costs paid between October 1, 1987, and February 19, 1988, the date of the agreement's execution). In order to preserve the discretion of the Board to grant or withhold relief under PL 85-804, the agreement expressly conditions the Army's obligation to pay any portion of NDC's past and present site-related environmental restoration costs on an award of relief by the Board.

Decision: Public Law 85-804, Executive Order 10789, as amended and Part 50 of the FAR empower the Board to amend or modify Army contracts "without regard to provisions of law relating to the making, performance, amendment, or modification of contracts, whenever [the Board] deems that such action would facilitate the national defense." The subject request for relief is concededly unusual in that it does not appear to fit squarely within any of the enumerated examples of contract adjustments deemed permissible under FAR 50.302. The closest analogue is found at FAR 50.302-1(a), which states that it may be proper to award relief "[w]hen an actual or threatened loss under a defense contract, however caused, will impair the productive ability of a contractor whose continued performance on any defense contract or whose continued operation as a source of supply is found to be essential to the national defense. . . ." We do not believe it is useful to discuss NDC's request in terms of the elements set forth in this provision. In this connection, the FAR's enumerated examples "are not intended to exclude other cases in which the approving authority determines that the circumstances warrant relief." (FAR 50.301) For the reasons outlined below, the Board approves NDC's request for extraordinary relief in the amount of 50 percent of the past and 100 percent of present site-related environmental restoration costs, as defined in the Army-NPI-NDC agreement of February 19, 1988, and finds that such action will facilitate the national defense.

1. Essentiality to the National Defense. We discuss this issue first primarily because the essentiality of NDC's Eau Claire facility to the national defense cannot be questioned. While the Army's stocks of 105MM and 8" projectiles are plentiful at present, the Army has now and will continue to have for the foreseeable future a significant mobilization requirement for both items. For instance, the current mobilization requirement for 105MM projectiles is 31.2 million units per year. The comparable rate for 8" shells is 3.96 million units. NDC is the Army's single mobilization base producer for 105MM projectiles; no other producer can be counted on to accelerate to full production of projectiles in the event of a national emergency with acceptable technical and schedule risk. With regard to 8" projectiles, NDC's production lines form a crucial part of the Army's industrial base for that item. Without doubt, NDC's "continued operation as a source of supply" for 105MM and 8" projectiles is "essential to the national defense."

2. Impairment of Productive Capability. NDC's request, by its terms, presents a threatened loss of the facility's productive capability; quite simply, unless the Army agrees to pay a substantial portion of NPI's past and present environmental restoration expenses, NPI has assured the Army that it cannot count on the availability of Eau Claire as a mobilization base producer for 105MM and 8" projectiles. In this very crude sense, NPI's prospective liability for environmental restoration expenses at Eau Claire "threatens" the loss of a facility critical to the United States defense establishment.

What distinguishes the Eau Claire facility is the fact of prior Government ownership. While the Army's legal responsibility for the contamination deposited on the site is far from clear, we believe that it is in the public interest for the Army to share in the resolution of the environmental problems at Eau Claire at the present time.

The Board hereby grants NDC's request for recovery of 50 percent of NDC's "site-related environmental restoration costs" paid between January 1, 1984, and September 30, 1987 and 100 percent of NDC's "site-related environmental restoration costs" paid between October 1, 1987, and February 19, 1988. Accordingly, the contracting officer is hereby authorized and directed to enter into a supplemental agreement providing for payment by the Army of the above-described costs and for reimbursement by NDC of a portion of these costs on terms consistent with the February 19, 1988, agreement. The contracting officer is directed to audit NDC's costs in accordance with established cost accounting principles before making payments under authority of this decision.

The action authorized by this decision will facilitate the national defense.

Contractor: Ramal Industries, Incorporated.

Type of Action: Amendment Without Consideration.

Actual or Estimated Potential Cost: $1,017,097.

Service and Activity: U.S. Army Armament, Munitions, and Chemical Command.

Description of Product or Service: Copper Cones/Grenade Liners.

Background: This action concerns an application for extraordinary contractual relief under Public Law (PL) 85-804 made by Ramal Industries, Inc. (Ramal) of Holtsville, New York. The request invokes the provisions of FAR Part 50, implementing PL 85-804 pertinent to alleged financial difficulties encountered in the performance of two contracts.

Ramal applied for relief under PL 85-804 September 2, 1988. This submission, however, was not certified and did not include the required evidentiary back-up. By letter dated September 9, 1988, the Contracting Officer informed Ramal that they must comply with the evidentiary requirements of FAR 50.304 and the certification requirements of DoD FAR Supplement 52.233-7000 before their request could be considered.

Ramal provided the request information in its submission of October 17, 1988 and requested payment of $1,017,097.

Justification: The Contracting Officer, in her Determination dated December 7, 1988, found that Ramal is not essential to the national defense. She based this determination on her finding that:

"Ramal Industries, Inc., continued performance on current contracts producing cones/liners is not critical in support of LAP [load, assemble, pack] plant operations as the LAP plant needs can be satisfied by deliveries from other cone/liner vendors. Ramal Industries, Inc., copper cone/liner production capability as a MOB (mobilization) base source of supply is not deemed critical due to the availability of other interested, capable, and competitive firms desiring inclusion into the MOB base for copper cones and grenade liners. A basis for determination of essentiality to the National Defense is nonexistent."

Decision: Based upon the attendant facts, the general policy enunciated pertinent to administration of the authority created by PL 85-804, and the standard for extending relief and deciding cases delineated in FAR 50.3 and applicable subsections thereto, I hereby find and determine:

1. Ramal's loss under the pertinent contracts will not impair the productive ability of a contractor whose continued operation as a source of supply is essential to the national defense. Ramal is not a contractor essential to the national defense within the meaning of FAR 50.302-1(a) since there are other contractors, whose production capacity exceeds the anticipated requirements, who can perform the same work presently being performed by Ramal.

2. Granting the relief sought will not otherwise facilitate the national defense considering the attendant facts and circumstances of the case.

Accordingly, and pursuant to authority embodied in Part 50 of the FAR, the application received from Ramal Industries, Inc. for relief under PL 85-804 is denied in its entirety.

Contractor: Sanchez Enterprises, Incorporated.

Type of Action: Amendment Without Consideration.

Actual or Estimated Potential Cost: $3,375,879.

Service and Activity: U.S. Army Armament, Munitions, and Chemical Command.

Description of Product or Service: M-16 Rifle Magazines.

Background: This action concerns an application for extraordinary contractual relief under PL 85-804 made by Sanchez Enterprises, Inc. (Sanchez) of Mansfield, Ohio. The request invokes the provisions of FAR Part 50 implementing PL 85-804 (Extraordinary Contractual Actions) pertinent to al-

leged financial difficulties encountered in the performance of a 1985 contract award.

Sanchez was awarded a contract on October 30, 1985, for 2,136,632 30-round M-16 rifle magazines at a unit price of $2.36 each for a total contract price of $5,042,451.50. This was the second contract which Sanchez had been awarded for the 30-round magazine. The first, a fiscal year 1984 contract, was awarded November 16, 1983, for 251,412 magazines, and was terminated for default on December 26, 1985.

The subject contract resulted from an invitation for Bids, (IFB). In response to the solicitation, 16 contractors submitted bids. Bethlehem Industries, Inc. was the apparent low bidder at $2.19 per unit. In response to a "mistake-in-bid" letter, however, Bethlehem claims an error in the bid price. As a result, Sanchez became the low bidder at $2.36 per unit. The next low bidder was Cooper industries at $2.38 per unit.

By its submission dated May 12, 1988, Sanchez applied for relief under PL 85-804. This submission, however, failed to include a specific basis for which the relief was requested. The Contracting Officer by letter dated June 3, 1988, explained to Sanchez that they must identify such a basis before their claim could be analyzed. The letter also informed them that they must comply with the evidentiary requirements of FAR 50.304 and the certification requirements of DoD FAR Supplement 52.233-7000.

Sanchez provided the requested information in its supplemental submission of July 24, 1988. Its request for relief was predicated on FAR 50.302-1 entitled "Amendments Without Consideration" (commonly referred to as "essentiality") and FAR 50.302-2(a)(2) a "contractor's mistake so obvious that it was or should have been apparent to the contracting officer."

Justification: The Contracting officer, by Determination dated August 5, 1988, found that Sanchez is not essential to the national defense. He based this determination on his finding that: "[e]xcess production capacity, above anticipated requirements, currently exists with known successful producers. Adequate interest has been shown by other possible suppliers by furnishing competitive prices on previous solicitations." He also noted that the only Government contract which Sanchez currently has is with the Defense Logistics Agency for the production of vehicle fenders.

Decision: Based upon the attendant facts, the general policy enunciated pertinent to administration of the authority created by PL 85-804, and the standards for extending relief and deciding cases delineated in FAR 50.3 and applicable subsections thereto, I hereby find and determine:

1. Sanchez's loss under the contract will not impair the productive ability of a contractor whose continued operation as a source of supply is essential to the national defense. Sanchez is not a contractor essential to the national defense within the meaning of FAR 50.302-1(a) since there are other contractors, whose production capacity exceeds the anticipated requirements, who can perform the same work presently being performed by Sanchez.

2. Granting the relief sought will not otherwise facilitate the national defense considering all the attendant facts and circumstances of the case.

3. PL 85-804 is not an appropriate avenue for relief under a theory of mistake as other adequate legal authority exist under which relief may be granted, FAR 50.102(a) and (c). Specifically, reformation of a contract for obvious or apparent mistake is available under the authority of the Contract Disputes Act of 1978. Consequently, relief under PL 85.804 for mistake is inappropriate.

4. Accordingly, and pursuant to authority embodied in Part 50 of the Federal Acquisition Regulation, the application received from Sanchez Enterprises, Inc. for relief under PL 85-804 is denied in its entirety.

Contractual Actions With Actual or Potential Cost of $50,000 or More Taken Pursuant to Public Law 85-804 to Facilitate the National Defense

January-December 1988

U.S. Navy

Contingent Liabilities:

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 26 contracts (the potential cost of the liabilities cannot be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor and number of contracts	
General Dynamics Corp	6
General Electric Co	9
Hughes Aircraft Co	1
McDonnell Douglas Corp	2
Newport News Shipbuilding and Drydock Co	1
Raytheon Co	2
Westinghouse Electric Corp	4
UNISYS Corp	1
Total	26

Contractual Actions With Actual or Potential Cost of $50,000 or More Taken Pursuant to Public Law 85-804 to Facilitate the National Defense

January-December 1988

Contingent Liabilities:

Provisions to indemnify contactors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in two contracts (the potential cost of the liabilities cannot be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor and number of contracts	
General Dynamics Space Systems Division	1
McDonnell Douglas Astronautics Co.	1
Total	2

Contractual Actions With Actual or Potential Cost of $50,000 or More Taken Pursuant to Public Law 85-804 to Facilitate the National Defense

January-December 1988

Contractor: Avtex Fibers Front Royal, Inc.

Type of Action: Other—Residual Powers.

Actual or Estimated Potential Cost: $22,600,000.

Service and Activity: United States Air Force (Executive Agent) and National Aeronautics and Space Administration.

Description of Product or Service: Filament Rayon Yarn (Aerospace Grade).

Background: Avtex Fibers Front Royal, Inc. (Avtex) has requested that the Department of Defense (DoD) provide up to $20 million, plus an appropriate share of a $5 million contingency fund, to assist in the reopening and continued operation of Avtex's plant in Front Royal, Virginia. Avtex is the only qualified source of aerospace grade continuous filament rayon yarn, which is a necessary component of DoD rocket boosters, DOD strategic and tactical missiles, and the National Aeronautics and Space Administration (NASA) Space Shuttle, which is used for DoD missions.

The Under Secretary of Defense (Acquisition) has authorized the Air Force to act as the executive agent on behalf of DoD and to commit DoD to provide the requested relief. The Air Force, through its Contract Adjustment Board has considered the Federal Acquisition Regulation (FAR) Subpart 50.4. Part 50 of the FAR prescribes the policies and procedures for entering into contracts in order to facilitate the national defense under the extraordinary emergency authority granted by Public Law 85-804, as amended.

Avtex is the only qualified source of aerospace grade continuous filament rayon yarn. Avtex produces the yarn at the Front Royal plant. This rayon yarn is a necessary material in the fabrication of carbon phenolic blankets lining the nozzles of solid propellant rockets, ablative heat shields for reentry vehicles, and various seals used in high temperature applications. Historically, Avtex has not been directly contracted with DoD or NASA, but has been a "sixth tier" subcontractor. In laymen's terms, this means that Avtex produces the yarn and five other things happen with it before it is ready for DoD or NASA use.

On October 31, 1988, Avtex publicly announced that it would cease operations and shut down its Front Royal plant on November 3, 1988. Avtex cited competitive pressures, a major unexpected increase in the cost of raw materials, a lack of operating capital, an inability to borrow money from private sources, and mounting environmental and safety concerns as reasons for ceasing operations.

Other subcontractors immediately expressed concern to NASA and DoD. They indicated that the existing inventory of the aerospace grade yarn would be exhausted by mid-December 1988. Without additional aerospace grade yarn, DoD and NASA systems, scheduled for delivery beginning in late 1989, would not be completed on schedule.

On November 3, 1988, Avtex ceased operations. On November 7, 1988, NASA and Avtex began negotiations in order to allow Avtex to reopen its Front Royal plant. On November 8, 1988, NASA and Avtex agreed to a plan containing the following elements:

(1) NASA, through Morton Thiokol, would order approximately 1.1 million pounds of rayon yarn;

(2) Morton Thiokol would immediately advance $7 million to Avtex;

(3) NASA would obtain a nonexclusive license to Avtex's production process if the reopening was unsuccessful; and

(4) NASA would advance an additional $11 million with the provision that by Novem-

ber 18, 1988, DoD or industry would guarantee an additional $20 million infusion.

The immediate $7 million advance was necessary because of the unique nature of the rayon manufacturing process. If Avtex had not received the $7 million, the viscose (wood pulp in liquid form) present in the manufacturing equipment at the time the plant closed would have hardened and ruined the equipment. The viscose was present in the equipment because at the time the plant closed, Avtex did not have the money available to clean the viscose out of the system. The immediate advance allowed the company to reopen the plant on November 9, 1988. NASA recognized, however that if Avtex did not receive any additional funds, the plant would have to close again on November 18, 1988.

On November 16, 1988, Avtex officials met with DoD officials and requested a commitment of $20 million plus an appropriate share of a $5 million contingency fund in order to meet the conditions imposed by the November 8, 1988, agreement with NASA. NASA indicated that it would provide its share of the $5 million contingency fund and supported Avtex's request for relief.

That same day, representatives of the Air Force met with officials from DoD prime contractors affected by the loss of Avtex. The prime contractors cited securities regulations, absence of contractual responsibility, and potential environmental liability as reasons for not assisting Avtex. The Air Force concluded that the prime contractors would not provide any money to satisfy the commitment required by NASA.

An Air Force business/technical team then reviewed a financial and technical analysis of Avtex that Morton Thiokol, along with the accounting firm of Ernst & Whinney, had prepared. This analysis concluded that with the infusion of approximately $43 million "there is a reasonable probability that Avtex will be capable of manufacturing aerospace grade rayon yarn for the short term and may allow Avtex to survive and compete for the long term rayon requirements." The team agreed with this conclusion.

In addition, the Air Force team conducted a one day on-site inspection of the plant. The team concluded that the managers were competent and motivated to continue production at the plant. The team raised concerns about pending environmental and occupational safety lawsuits, but received assurances that Avtex was negotiating with both federal and state officials and expected to be able to satisfy all applicable laws and any court orders.

The Air Force then reviewed the impact on DoD if Avtex ceased producing aerospace grade continuous filament rayon yarn. Concluding that it would take approximately eighteen to twenty-four months for DoD or NASA to qualify a second source for the yarn, the Air Force projected a one year break in the production schedules of the following programs: Titan IV, Delta II, Peacekeeper, Trident D-5, and Standard Missile. The Air Force estimated the economic cost of these delays to range from $100 million to $500 million. In addition, the Air Force projected a delay in 3-5 Titan IV launches, an eighteen month delay between the third and fourth GPS launches (Delta II), sending two Tridents to sea without missiles, and not being able to equip the fleet with its full complement of Standard Missiles. Moreover, the Air Force projected severe damage to the vendor base within the chain of subcontractors due to other plant closures, the loss of skilled personnel, and qualification problems on restart.

Justification: Public Law 85-804, as amended, provides that "the President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts . . . without regard to other provisions of law relating to the making . . . of contracts, whenever he deems that such action would facilitate the national defense." The power granted to the President by Public Law 85-804, as amended, is one of the broadest grants of authority ever given by Congress. Executive Order 10789, as amended, authorizes the Department of Defense to enter into contracts, whenever the Secretary of Defense, Army, Navy, or Air Force or their designated representative concludes that such a contract would facilitate the national defense. The Order authorizes the Secretary of Defense, Army, Navy, and Air Force to exercise their authority through departmental Contract Adjustment Boards. The Secretary of the Air Force created the Air Force Contract Adjustment Board (Board) and authorized it to make any necessary findings and determinations and to approve, in whole or in part, requests for relief under Public Law 85-804.

FAR Part 50 implements Public Law 85-804, as amended, and Executive Order 10789, as amended, as they apply to the military departments. The FAR lists three types of actions that may be taken under Public Law 85-804: (1) granting contractual adjustments, which consist of amendments without consideration, correction of mistakes, or the formalization of informal commitments, (2) making advance payments, and (3) exercising "residual powers." In order for the Board to grant extraordinary contractual relief by any of these actions, it must determine that such action will "facilitate the national defense." (FAR 50.101(a))

The Board in this case is acting under its residual powers. FAR Subpart 50.4 prescribes the standards and procedures for exercising residual powers under the Act. The term "residual powers" includes all authority under the Act except contractual adjustments and advance payments. (FAR 50.400)

Decision: The Board has reviewed the analysis on Avtex's financial situation, Avtex's business plan, the environmental and occupational safety problems facing Avtex, and the impact on the national defense that an immediate break in the production of aerospace grade continuous filament yarn would have. After carefully considering these matters, the Board finds that the aerospace grade yarn is essential to produce components required for DoD space and missile programs, that Avtex is the only qualified source of aerospace grade yarn, that a break in the production of aerospace grade yarn will cause severe operational and financial damage to DoD space and missile programs, that a second source for the production of aerospace grade yarn could not qualify for at least eighteen to twenty-four months, that there is an insufficient inventory of aerospace grade yarn to meet current schedule and delivery requirements for DoD space and missile programs, and that an immediate and sustained production of aerospace grade rayon yarn at double the previous production rate will provide a sufficient reserve of aerospace grade yarn to use in the event that Avtex ceases production.

Based upon these findings, the Board has concluded that it will "facilitate the national defense" within the meaning of Public Law 85-804, as amended, to enter into a contract with Avtex to ensure the continued production of aerospace grade continuous filament rayon yarn. Thus, the Board has determined to grant relief by authorizing negotiations leading to a direct contract with Avtex, under substantially the following terms and conditions:

1. Avtex must agree to increase its production capacity to at least double its prior production output of aerospace grade continuous filament yarn, from 3 million pounds per year to 6 million pounds per year, and maintain the increased production for at least a period of one year.

2. Avtex must continue to seek other sources of funds from commercial lenders and must continue to seek financial assistance from its commercial customers.

3. Avtex must agree to comply with all state and federal environmental and occupational safety laws and regulations as well as any state or federal court orders concerning such laws or regulations.

4. Avtex must agree that upon becoming profitable, it will enter negotiations with the Air Force designed to allow the Air Force to recover any funds provided under this contract.

5. Avtex must agree to allow the Air Force to review and monitor Avtex's proposed plant and equipment maintenance and capital equipment improvement program.

6. Avtex must agree to provide the Air Force monthly reports of the company's operations and financial status and to allow the Air Force to conduct such audits of the company that it deems appropriate.

7. Without the prior consent of the Air Force, Avtex must refrain from (a) paying bonuses to officers or directors of the corporation for at least one year, (b) increasing the salary of the Chairman of the Board for at least one year, (c) paying dividends for at least one year, or (d) increasing its corporate allocation for selling and administrative expenses for at least one year except for necessary salary increases within the corporate allocation.

8. The Air Force will establish a payment mechanism to provide Avtex an amount not to exceed $25 million for expenditures outlined in the Avtex Fibers/Front Royal, Inc. Business Plan of November 14, 1988, to assist Avtex in meeting its financial obligations and thereby increasing and maintaining its production of aerospace grade continuous filament rayon yarn. The Air Force should devise a system to ensure that all disbursements made under the contract are expended only for purposes that are essential to the continued production of aerospace grade continuous filament rayon yarn at the Front Royal plant. Such funds shall not be used to reduce Avtex's accounts payable more than is reasonably necessary to ensure the continued availability of materials for the performance of its contracts. In addition, such funds shall not be used for payment of any demand notes held by any officers, directors, or shareholders of Avtex.

9. Avtex must agree that the contract shall include all terms required by Public Law 85-804, as amended, by Executive Order 10789, as amended, and by FAR Subpart 50.4.

All members of the Board concur in this decision.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, March 23, 1989.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with Section 4(a) of Public Law 85-804 (50 U.S.C. 1431-35), I am reporting to the House of Representatives on all calendar year 1988 actions taken by the National Aeronautics and Space Adminstration under authority of that Act which involve actual or potential cost to the United States in excess of $50,000.

During calendar year 1988, the NASA Contract Adjustment Board did not grant any request for extraordinary contractual relief under Public Law 85-804.

On January 19, 1983, the Administrator made a decision to provide indemnification to certain NASA Space Transportation System contractors for specified risks arising out of contract performance directly related to NASA space activities. On September 26, 1984, the authority of that decision was extended from September 30, 1984 through September 30, 1989. A copy of the Administrator's Memorandum Decision Under Public Law 85-804, dated September 26, 1984, is enclosed.

During calendar year 1988, three NASA prime contractors performing under four contracts were indemnified under the Memorandum Decision for the risks set forth therein. A summary description of each contract indemnified is also enclosed.

Sincerely,

JAMES C. FLETCHER,
Administrator.

Enclosures.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC.

MEMORANDUM DECISION UNDER PUBLIC LAW 85-804

Authority for National Aeronautics and Space Administration Contracting Officers to idemnify certain NASA contractors and subcontractors involved in NASA space activities.

1. On July 4, 1982, the Space Transportation System (hereinafter STS) completed its design, development, test and evaluation phase and was declared an operational system of the United States for the transportation of payloads into and out of outer space for governmental and commercial purposes. With the commencement of these space operations, the STS has conducted and will continue to conduct launch, in orbit and landing activities on a repetitive basis and at an increasing frequency.

2. Scheduled STS operations at an increasing frequency has dictated a continuing examination of the risks in repetitive space activities of the STS and the present availability of adequate insurance at reasonable premiums to manufacturers and operators of the system. While NASA's STS space activities are designed to be safe, and have been proven to be safe, there exists the remote and low statistical probability that a malfunction of either hardware, software or operator error could occur resulting in an accident. This low probability of occurrence, albeit remote, cannot be totally removed. In the event that such a malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain considering the availability, cost and potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Law 85-804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specificially set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA contracting Officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims or losses, as defined in paragraph 1A of E.O. 10789, as amended, arising out of contract performance directly related to NASA's space activities.

4. This authorization is limited to prime contracts which have an effective date before October 1, 1989, by or for NASA for:

a. provisions of Space Transportation System and cargo flight elements or components thereof;

b. provision of Space Transportation System and cargo ground support equipment or components thereof;

c. provision of Space Transportation System and cargo gound control facilities and services for their operation; and

d. repair, modification, overhaul support and services and other support and services directly relating to the Space Transportation System, it cargo and other elements used in NASA's space activities.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of the products or services described in paragraph 4 in NASA's space activities. For this purpose, the use or performance of such products or services in NASA's space activities begins solely when such products or services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more Space Transportation System launches and are actually used or performed in NASA's space activities.

6. The risks for which indemnification is authorized are the risks arising under the contracts described in paragraphs 4 and 5 causing personal injury or death, or loss of or damage to property, or loss of use of property. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the Space Transportation System, its cargo or other elements or services used in the NASA's space activities malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost and terms and conditions of such insurance. In no other sense are the Space Transportation System, its cargo or other elements or services used in NASA's space activities unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses shall comply with applicable provisions of Federal Acquisition Regulation 50.4 as modified by the NASA FAR Supplement 18-50.4.

9. This authorization is given upon condition that each prime contractor is approved by me and that such contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant NASA contracting officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of financial responsibility and workman's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant Contracting Officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NASA/FAR Supplement 18-50.403-70—Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from certain space activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this action will facilitate the national defense. In the remote event that the Space Transportation System, its cargo or other elements or services used in NASA's space activities malfunctioned causing damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors and subcontractors continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to support space activities and the Department of Defense. I note that for purposes of the Defense Production Act of 1950, the term national defense is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d)).

JAMES M. BEGGS,
Administrator.

SEPTEMBER 26, 1984.

CONTRACTORS INDEMNIFIED DURING CALENDAR YEAR 1988

Name of contractor: Morton Thiokol, Incorporated. Date: June 9, 1988.

Affected NASA contract(s):

NAS8-30490, Schedules B, C, D—Solid Rocket Motor Production and Related Support.

This approval recognized changes in the contractor's insurance program subsequent to indemnification previously granted.

Name of contractor: Rockwell International Corporation. Date: September 27, 1988.

Affected NASA contract(s):

NAS8-40000—Space Shuttle Main Engine Design, Development, Test, and Evaluation and Related Support.

NAS9-17800—Space Shuttle Orbiter (OV-105) and System Upgrades and Improvements.

Name of contractor: National Academy of Sciences. Date: September 27, 1988.

Affected NASA contract(s):

NASW-3511, Task Order 8—Technical Assistance to NASA in Redesign of Space Shuttle Solid Rocket Booster.

EXECUTIVE COMMUNICATIONS, ETC.

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

1077. A letter from the Director (Administration and Management), Office of the Secretary of Defense, transmitting the calendar year 1988 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

1078. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 10th report on applications for delays of notice and customer challenges under provisions of the Right To Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

1079. A letter from the Assistant General Counsel, Department of Energy, transmitting notification of a meeting related to the International Energy Program to be held on April 27, 1989, at Paris, France; to the Committee on Energy and Commerce.

1080. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letters) of offer and acceptance [LOA] to Greece for defense articles and services estimated to cost $19 million (Transmittal No. 89-07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1081. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Spain for defense articles and services estimated to cost $48 million (Transmittal No. 89-04), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1082. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Greece for defense articles and services estimated to cost $26 million (Transmittal No. 89-06), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1083. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to Mexico (Transmittal No. 16-89), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1084. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1085. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1990 and 1991 for the Inter-American Foundation, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

1086. A letter from the Assistant Secretary of Energy (Management and Administration), transmitting a report on contracts entered into, amended, or modified, to facilitate the national defense during the calendar year ending December 31, 1988, pursuant to 50 U.S.C. 1434; to the Committee on Government Operations.

1087. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report by the NASA Contract Adjustment Board on the indemnification of certain contractors and subcontractors during calendar year 1988, pursuant to 50 U.S.C. 1434; to the Committee on Government Operations.

1088. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's 1988 annual report of its compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1089. A letter from the Secretary, Federal Trade Commission, transmitting the 1988 annual report of the Commission on its compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1090. A letter from the Controller, Boys' Clubs of America, transmitting a copy of the organization's audited financial report for the year ending December 31, 1988, pursuant to 36 U.S.C. 1101(16), 1103; to the Committee on the Judiciary.

1091. A letter from the Chairman, United States Sentencing Commission, transmitting a report of amendments to the sentencing guidelines together with the reasons therefor, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

1092. A letter from the Administrator, Environmental Protection Agency, transmitting a report on water quality effects from the impoundment of waters by dams, pursuant to 33 U.S.C. 1375 nt.; to the Committee on Public Works and Transportation.

1093. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for carrying out the Landsat program for fiscal years 1990 and 1991, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

1094. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 5584 of title 5, section 2774 of title 10, and section 716 of title 32, United States Code, to increase from $500 to $2,500 the maximum aggregate amount of a claim that may be waived by the head of an agency under those sections; jointly, to the Committees on Armed Services and Post Office and Civil Service.

1095. A letter from the Comptroller General, transmitting a copy of the audit of the Federal Deposit Insurance Corporation's financial statements for the years ended December 31, 1988 and 1987 (GAO)/AFMD-89-63; April 1989), pursuant to 31 U.S.C. 9105; jointly, to the Committees on Government Operations and Banking, Finance and urban Affairs.

1096. A letter from the Administrator, Environmental Protection Agency, transmitting the report on the study of problems associated with plastic debris in the New York Bight, pursuant to Public Law 100-220, section 2302 (101 Stat. 1468); jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Apr. 26, 1989, the following report was filed on Apr. 28, 1989]

Mr. HAWKINS: Committee on Education and Labor. H.R. 7. A bill to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such Act through the fiscal year 1995; with amendments (Rept. 101-41). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 1, 1989]

Ms. OAKAR: Committee on House Administration. H.R. 770. A bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave; with an amendment (Rept. 10-28, St. 3). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 2161. A bill to amend the Federal Election Campaign Act of 1971 to clarify the definition of the term "independent expenditure"; to the Committee on House Administration.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER, Mr. TAUZIN, and Mr. SWIFT):

H.R. 2162. A bill to amend subtitle D of the Solid Waste Disposal Act to regulate municipal solid waste incinerators and municipal solid waste incinerator ash; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself, Mr. MORRISON of Connecticut, Mr. CARDIN, Mr. FRANK, Mr. EDWARDS of California, Mr. GLICKMAN, and Mr. MILLER of California):

H.R. 2163. A bill to amend title 28, United States Code, to make additional exceptions to the immunity of the property of a foreign state from attachment or execution; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 2164. A bill requiring certain new procedures for the approval by the Interstate Commerce Commission of the acquisition and operation of railroad lines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 2165. A bill to repeal the provisions denying the estate and gift marital deductions where the spouse is not a citizen of the United States; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. COELHO, Mr. BROOKS, Mr. HYDE,

Mr. FEIGHAN, Mr. BERMAN, Mr. KOSTMAYER, Mr. DYMALLY, Mr. SCHUETTE, Mr. FROST, Mr. LANTOS, Mr. BARTON of Texas, Mr. WEISS, and Mr. SMITH of Florida):

H.R. 2166. A bill to amend the International Claims Settlement Act of 1949 to provide for the payment of claims of nationals of the United States against Vietnam; to the Committee on Foreign Affairs.

By Mr. WISE (for himself and Mr. MCCANDLESS):

H.R. 2167. A bill to amend the National Narcotics Leadership Act of 1988 to repeal the termination of the Office of National Drug Control Policy in 1993, and to authorize appropriations to carry out that act through fiscal year 1990; to the Committee on Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. WALKER, Mr. SMITH of New Jersey, Mr. KOLTER, Mr. BILIRAKIS, Mr. CARDIN, Mr. KYL, Mr. MACHTLEY, Mr. ORTIZ, Mr. HOUGHTON, Mr. NOWAK, Mr. CONYERS, Mr. SKEEN, Mr. SMITH of Mississippi, Mr. MFUME, Mr. ATKINS, Mr. CAMPBELL of Colorado, Mr. BARTLETT, Mr. GILMAN, Mr. LIVINGSTON, Mr. KASICH, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCHER, Mr. BILBRAY, Mrs. BOGGS, Mr. BRYANT, Mr. COOPER, Mr. DE LA GARZA, Mr. DICKS, Mr. DIXON, Mr. ENGEL, Mr. ESPY, Mr. GILLMOR, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. JONES of Georgia, Mr. THOMAS A. LUKEN, Mr. DONALD E. LUKENS, Mr. PARKER, Mr. ROHRABACHER, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SOLOMON, Mr. TALLON, Mr. VOLKMER, Mr. WALGREN, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. YOUNG of Florida, Mr. APPLEGATE, Mr. CONTE, Mr. COMBEST, Mr. DICKINSON, Mr. HALL of Texas, Mrs. LOWEY of New York, Mr. MILLER of Washington, Mr. PASHAYAN, Mr. PENNY, Mr. ROYBAL, and Mr. SWIFT.

H.R. 22: Mr. WISE.

H.R. 46: Mr. RINALDO.

H.R. 56: Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. MCCLOSKEY, Mr. NEAL of Massachusetts, Mr. OLIN, Mr. RAHALL, and Mr. SCHUETTE.

H.R. 81: Mr. AUCOIN.

H.R. 109: Mr. DERRICK, Mr. EVANS, and Mr. SKEEN.

H.R. 118: Ms. SCHNEIDER, Mr. HOCHBRUECKNER, Mr. SMITH of Florida, and Mrs. UNSOELD.

H.R. 145: Mr. MCCLOSKEY, Mr. STOKES, and Mr. BRENNAN.

H.R. 161: Mr. SCHEUER, Mr. MCMILLEN of Maryland, Mr. MAVROULES, and Mr. MORRISON of Connecticut.

H.R. 191: Mr. MCMILLAN of North Carolina and Mr. LIVINGSTON.

H.R. 287: Mr. ATKINS, Mr. DE LUGO, Mr. DYMALLY, Mr. BLAZ, Mr. ROE, Mr. JOHNSON of South Dakota, Mr. ROBINSON, Mr. BAKER, Mr. SLATTERY, and Mr. SMITH of Mississippi.

H.R. 360: Mr. CONTE.

H.R. 361: Mr. GILMAN.

H.R. 509: Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, and Mr. WALGREN.

H.R. 529: Mr. HORTON, Mr. PETRI, Mr. FISH, and Mr. WOLPE.

H.R. 530: Mr. HORTON, Mr. PETRI, Mr. FISH, and Mr. WOLPE.

H.R. 537: Mr. BORSKI and Mr. STUMP.

H.R. 633: Mr. DREIER of California.

H.R. 634: Mr. MOORHEAD, Mr. WILSON, Mr. DURBIN, Mr. CARPER, Mrs. UNSOELD, Mr. KASICH, Mr. LOWERY of California, Mr. WISE, Mr. GOODLING, and Mr. MILLER of Ohio.

H.R. 638: Mr. HAYES of Louisiana, Mr. PALLONE, Mrs. SAIKI, Mr. SKAGGS, Mr. TRAFICANT, and Mr. STUDDS.

H.R. 800: Mr. TOWNS, Mr. OWENS of New York, Mr. MARKEY, and Mr. DE LUGO.

H.R. 830: Mr. MCMILLEN of Maryland, Mr. BARNARD, Mr. BUSTAMANTE, Mr. MANTON, Mr. WOLPE, Mr. GUARINI, Mr. MCHUGH, Mr. MARKEY, Ms. PELOSI, Mr. HAMILTON, Mr. DARDEN, Mr. TORRICELLI, Mr. SCHUMER, Mr. PALLONE, Mr. DYSON, Mr. ROWLAND of Georgia, Mr. NATCHER, Mr. ENGEL, and Mr. OLIN.

H.R. 913: Mr. MILLER of Washington, Mrs. UNSOELD, Mr. HANCOCK, and Mr. MAVROULES.

H.R. 917: Mr. DWYER of New Jersey, Mr. KOLTER, Mr. SHAW, Mr. LANCASTER, Mr. LIGHTFOOT, Mr. BUSTAMANTE, Mr. SUNDQUIST, Mr. WILSON, Mr. STOKES, Mr. TRAFICANT, Mr. HALL of Texas, Mr. JONES of North Carolina, Mr. ACKERMAN, and Mr. DAVIS.

H.R. 953: Mr. CHAPMAN.

H.R. 1101: Mr. ROBINSON, Mr. PRICE, and Mr. NAGLE.

H.R. 1102: Mr. KOSTMAYER.

H.R. 1110: Mr. WHITTEN, Mr. LANCASTER, Mr. VOLKMER, Mr. TANNER, Mr. MCEWEN, Mr. SCHUETTE, Mr. VALENTINE, Mr. SHUMWAY, Mr. CLEMENT, and Mr. MILLER of Ohio.

H.R. 1117: Mr. TOWNS, Mr. OWENS of New York, and Mr. ATKINS.

H.R. 1134: Ms. KAPTUR and Mr. FAUNTROY.

H.R. 1164: Mr. FAUNTROY.

H.R. 1175: Mr. BOEHLERT, Mr. SHAYS, Mr. TOWNS, Mr. WALGREN, Mr. MCDERMOTT, and Mr. STAGGERS.

H.R. 1176: Mr. JONTZ, Mr. SCHUETTE, Mr. WEBER, Mr. SMITH of Vermont, Mr. POSHARD, Mr. PENNY, and Mr. STAGGERS.

H.R. 1205: Mr. KENNEDY, Mr. WHITTAKER, Mr. ENGEL, Mr. KILDEE, Mr. GARCIA, Mr. EMERSON, Mr. EVANS, Mr. MCEWEN, and Mr. MILLER of California.

H.R. 1250: Mr. ATKINS.

H.R. 1387: Mr. DURBIN.

H.R. 1409: Mr. ATKINS, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. HAYES of Illinois, Mr. JACOBS, Mr. JONTZ, Mr. KANJORSKI, Mr. KILDEE, Mr. PEASE, Mr. ROBINSON, and Mr. VENTO.

H.R. 1453: Mr. PALLONE, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. BROWN of California, Mr. FAZIO, Mr. MCDERMOTT, Mr. RANGEL, Mr. TOWNS, Mrs. COLLINS, Mr. MORRISON of Connecticut, Mr. GEJDENSON, and Mr. STAGGERS.

H.R. 1505: Mr. ENGLISH, Mr. SCHUETTE, Mr. GILLMOR, and Mr. EVANS.

H.R. 1605: Mr. MFUME, Mr. FLIPPO, Mr. WOLF, Mr. PEPPER, Mr. BUECHNER, and Mr. GUNDERSON.

H.R. 1648: Mr. SABO, Mr. BUSTAMANTE, Mr. NEAL of Massachusetts, Mr. FUSTER, Mr. MORRISON of Connecticut, Mr. RICHARDSON, Mr. GARCIA, Mr. MCHUGH, Mr. SHAYS, Mr. SAVAGE, Mrs. COLLINS, Mr. LEWIS of California, Mr. HAYES of Illinois, Mr. OWENS of New York, Mr. MADIGAN, Mr. ATKINS, Mr. STUDDS, and Mr. LEWIS of Georgia.

H.R. 1649: Mr. BONIOR, Mr. SYNAR, Mr. PEASE, and Mr. GORDON.

H.R. 1677: Mr. ROBINSON, Mr. CARPER, Mr. MARTINEZ, Mrs. PATTERSON, Mr. FAUNTROY, and Mr. SMITH of Florida.

H.R. 1720: Mr. WOLPE, Mr. BOUCHER, Mr. FAUNTROY, Mr. SAVAGE, Mrs. COLLINS, Mr. DINGELL, Mr. TOWNS, and Mr. FAZIO.

H.R. 1994: Mr. CLAY, Mrs. COLLINS, Mr. DEFAZIO, Mr. LEHMAN of Florida, Mr. LELAND, Mr. MARKEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Ms. PELOSI, Mr. RAHALL, and Mr. STUDDS.

H.R. 2060: Mr. SANGMEISTER, Mr. FRANK, Mr. PALLONE, Mrs. SCHROEDER, Mr. PAYNE of New Jersey, and Mr. MILLER of California.

H.J. Res. 68: Mr. SOLARZ, Mr. ROWLAND of Connecticut, Mr. FALEOMAVAEGA, Mr. DORGAN of North Dakota, Mr. HUCKABY, Mr. VANDER JAGT, Mr. YATES, Mr. DERRICK, Mr. ROSE, Mr. NELSON of Florida, Mr. COELHO, and Mr. PARRIS.

H.J. Res. 123: Mr. EVANS, Mr. BATES, Mr. ACKERMAN, Mr. PAXON, Mr. KOSTMAYER, Mr. MCGRATH, Mr. JENKINS, Mr. BORSKI, Mr. PARKER, Mr. HAYES of Illinois, Mr. MFUME, Mr. HALL of Texas, Mr. TRAXLER, Mr. LEVIN of Michigan, Mr. FISH, Mr. ESPY, Mr. RITTER, Mr. MURPHY, Mr. MARTIN of New York, and Mr. TOWNS.

H.J. Res. 135: Mr. TOWNS, Mr. ENGEL, Mr. STOKES, Mr. VENTO, Mr. VALENTINE, Mr. OWENS of Utah, Mr. SCHUETTE, Mr. JONES of Georgia, Mr. CRAIG, Mr. BUNNING, Mr. THOMAS of Georgia, Mr. HAYES of Illinois, Mr. HUNTER, Mr. BARNARD, Mr. RICHARDSON, Mr. BOEHLERT, Mr. SABO, and Ms. SLAUGHTER of New York.

H.J. Res. 164: Mr. SAVAGE, Mr. FISH, Mr. ROBERT F. SMITH, Mr. PAXON, Mrs. MARTIN of Illinois, Mr. DENNY SMITH, Mr. JONES of North Carolina, Mr. STAGGERS, Mr. ANTHONY, Mr. HATCHER, and Mr. FLIPPO.

H.J. Res. 170: Mr. GALLO.

H.J. Res. 186: Mrs. KENNELLY, Mr. ROGERS, Ms. SNOWE, Mrs. MORELLA, Mr. ROWLAND of Connecticut, Mr. UPTON, Mr. PEPPER, Mr. COELHO, and Mr. WEISS.

H.J. Res. 223: Mr. LEVIN of Michigan, Mr. BROWN of California, and Mrs. MORELLA.

H. Con. Res. 101: Mr. WALKER, Mr. GALLEGLY, and Mr. DANNEMEYER.

H. Res. 101: Mr. SISISKY, Mr. KASICH, Mr. SMITH of Florida, Mr. BUSTAMANTE, Mr. STARK, Mr. RAVENEL, Mr. MORRISON of Connecticut, Mrs. MORELLA, Mr. BATES, Mr. DURBIN, Mr. EVANS, Mr. WALGREN, Mr. MAVROULES, Mr. FRANK, Mr. MARTINEZ, Mr. GORDON, Mr. FORD of Michigan, Mr. MACHTLEY, Mr. DWYER of New Jersey, and Mr. REGULA.

H. Res. 122: Mr. FISH, Mr. JONES of North Carolina, Mr. WALSH, Mr. DELAY, and Mr. ATKINS.

SENATE—*Monday, May 1, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Let us pray:

For there is no power but of God: the Powers that be are ordained of God.—Romans 13:1.

Eternal God, sovereign Lord of history, Supreme Ruler of the nations, we express our gratitude for the opportunities which recess made possible—time with family and constituents—protection in travel and safe return—rest, relaxation and recreation.

Father God, in this place are 100 of the most powerful people in the world, entrusted by sovereign citizens with governance and ordained by God to the position of power. Where do we look if not to these thy servants for leadership? Where else do we look for models and examples of integrity and dependability? Upon whom may we depend, if not upon these, to address effectively the domestic and world problems which beset us?

Grant, gracious Father, to these whom Thou hast ordained to such awesome responsibility, the will, the courage, and the wisdom *"* * * to do justly, and to love mercy, and to walk humbly with Thy God."*—Micah 6:8.

In the name of Jesus, incarnate truth and love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized under the standing order.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

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

ORDER DESIGNATING PERIOD FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following time for the two leaders there be a period for morning business, not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 5 minutes each.

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

ORDER TO CONSIDER S. 431

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 2 p.m. today, the Senate proceed to Calendar No. 23, that is S. 431, a bill to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

The PRESIDENT pro tempore. Without objection, that will be the order of the Senate.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of my colleagues, there will be no rollcall votes today. Any votes which may be ordered in relation to S. 431 will be stacked to occur tomorrow. I hope that the Senate will be able to complete action on S. 431 by tomorrow, and it is my intention, following completion of Senate action on S. 431, to take the fiscal 1990 budget resolution.

Mr. President, I reserve the remainder of my time and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the order.

SCHEDULE

Mr. DOLE. Mr. President, I would only inquire of the majority leader, it is my understanding that after we do the funding resolution, then the balance of the week, whatever it takes, will be on the budget. Is that correct?

Mr. MITCHELL. That is correct. As the distinguished Republican leader and I have discussed privately this morning, we want to complete action on the budget resolution as soon as reasonably possible so Senators should be prepared this week for lengthy sessions and, if necessary, several rollcall votes with respect to the budget resolution.

Mr. DOLE. I would say to the majority leader we have instructed on our side that Senators be contacted to see how many amendments they may have so that I will be able to give the majority leader some good estimate by, say, 2 o'clock on tomorrow.

Mr. MITCHELL. I thank the Republican leader.

Would the Republican leader yield for just a moment?

Mr. DOLE. Yes.

WELCOME BACK SENATOR GORE

Mr. MITCHELL. I did not see the distinguished Senator from Tennessee at the time and I just wanted to take the opportunity to welcome the distinguished Senator from Tennessee back to the Senate. All of us, of course, every Member of the Senate and Americans everywhere, were gratified at the news of the release of the Senator's son from the hospital and his continued recovery.

We are very, very happy to have you back.

Mr. GORE. I thank the majority leader. I will soon seek recognition to express my thanks in a more formal way, but to the majority leader and the Republican leader I wish to say a special thanks for the very generous resolution introduced and passed and the many thoughts and prayers that came our way. I will elaborate only very briefly, after the leaders are through.

Mr. DOLE. I will be happy to yield to the Senator now, if he would like.

Mr. GORE. I will wait. Thank you.

RESERVATION OF THE REMAINDER OF THE REPUBLICAN LEADER'S TIME

Mr. DOLE. Mr. President, I yield 1 minute of my leader's time to the distinguished Senator from Iowa and reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized for 1 minute.

The time remaining under the leader's order is to be reserved to the Republican leader.

Mr. GRASSLEY. I thank the Chair.

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

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

The Senator from Tennessee [Mr. GORE] is recognized.

HEARTFELT GRATITUDE

Mr. GORE. Mr. President, thank you so much. I will be very brief in expressing my heartfelt gratitude to my colleagues and to other Members of the Senate family for the many prayers and best wishes which sustained my wife and me and our family during the past month.

We have been at Johns Hopkins Hospital, at the bedside of our son, since he was hit by an automobile and sustained serious injuries.

I return to the Senate floor today because of the good news that our son is back home from the hospital and, although he still has some hurdles to clear, some physical therapy ahead of him and some broken bones that continue to mend, the prognosis is excellent and we are extremely grateful.

I wish to thank every single one of my colleagues for their prayers and best wishes during this difficult time. I have found a lot new about this Senate family. The outpouring of letters, cards, telephone calls, and personal conversations has been truly comforting and healing for us and for our son.

I intend to thank each of my colleagues individually and in person, but I want to single out just a few of the many gracious gestures that meant so much to us. I earlier referred to the generous action by the majority leader and the Republican leader for sponsoring a Senate resolution commending our son for his courage in the healing process. I want to say also to my colleagues that if anybody ever has a difficult time to get through, Maryland is a good State to pick because our colleagues, Senator SARBANES, and Senator MIKULSKI, were incredible in the efforts and the lengths to which they went in making our family comfortable during this time. They and their staffs were particularly helpful.

I wish to thank all the Senators who took time from their schedules to fill in for me at various events that were scheduled and seemed at the time incredibly important. The significance quickly paled compared to what we were going through, but Senator PRYOR, for example, filled in at a press conference. At another event, Senator ROBB chaired some hearings of my subcommittee, and many other Senators were kind in jumping in to help out. Senator JIM SASSER and his wife, Mary, who have always been wonderful friends to me and my wife and my family, really outdid themselves this time, and for that I am very grateful.

Mr. President, let me say that there are Senators in this body who have themselves suffered personal tragedies, tragedies of which my wife and I are now much more acutely aware, not only intellectually but personally and emotionally, and I have found many of these Senators to be great ministers. I thank our Chaplain for his activity in ministering to us and, in so doing, acknowledging that there are ministers among our colleagues in a lay sense, that they have been able to share with us their experiences and help us through the time that we have gone through. Of course, many of them have suffered and endured tragedies far more profound than the one which we have been enduring.

I have become much more acutely aware that there are many Senators and employees of the Senate who have gone through a great deal in their lives, and my respect for them is greatly enhanced.

I want to thank Mrs. Leahy and the Senate spouses group who volunteered frequently to do anything they could, even to donate blood to our son as he required repeated transfusions. And so to each and every Member of this body and to colleagues and friends in the other body, to members of the group of employees and staff and all in this community and family—and I have a new sense of what those words mean when they are applied as descriptions of this institution—I really wish to say a heartfelt thank you.

Our son, as I mentioned, has some healing still ahead of him, but he also has the best friends that any 6-year-old could ever ask for. I now know that I have the finest colleagues that any person could ever hope to work with. So on behalf of my wife and my family, I simply wish again to say thank you very much. I yield the floor, Mr. President.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Nevada [Mr. REID] is recognized for not to exceed 5 minutes.

CRIME ON THE RAMPAGE

Mr. REID. Mr. President, I, like many of my colleagues, just returned from a visit to my State. I spent approximately 10 days in the State of Nevada. Mr. President, Nevada is booming and our summer tourist season is approaching. But these favorable conditions are overshadowed by a grim reality. Nevada's business and tourism is booming, but so is the crime and violence that is now plaguing all of our States. Crime is on the rampage.

Our progress is being stymied by this rampage. Nevada prisons are filled to the brim. Most other States have the same problem. It was announced last week that over 600,000 prisoners filled U.S. prisons in 1988. The overflow of prisoners reminds me of a current best seller entitled "Fatal Shores." The book tells of the "dumping" of British prisoners into Australia. Great Britain had run out of room for its criminals, so they sent them to another country.

Crime is increasing at a breakneck pace. The main cause of this crimewave is illegal drugs, sold in a market controlled by gangs. Gangs used to reign over territories, each staking out and defending their domain.

Those were innocent days, compared to now. Today's gangs in Las Vegas and all over the country are battling not for territories, but for drug markets and cold cash. Dollars for drug trafficking—that's the new name of the game.

Current estimates are that gangs with their roots in southern California now include 70,000 people. Those gangs have moved into southern Nevada. They are like an epidemic that spreads unmercifully, and kills just as easily. These gangs are not just coming into Nevada; they're moving into States throughout the country.

We can no longer hide our head in the sand. Crime is an overwhelming problem that begs for our attention. Congress attempted to do this last year with the omnibus drug bill. On paper, the bill looks pretty good. But the strength of that bill comes not from what we authorized but what we appropriated.

We did not appropriate enough money to make the bill one that is as effective as it should be—as it must be.

While in Nevada, I met with officials from the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, and Firearms; the Customs Department; the IRS Criminal Division; and the Secret Service. They each said the same thing—they are underfunded and understaffed. During the past 8 years, these agencies have decreased in size and consequently, in capabilities. They have positions they are not filling, even when vacancies occur due to attrition. The staff in these offices is tasked with more than they can realistically accomplish. Is this the kind of support we give to those upon whom we depend to put an end to the drugs, the gangs, and the crime? These people need much more support to put an end to crime and establish a new beginning for American society. In the past 4 years, something has gone drastically wrong. We cannot tolerate today's reality.

If foreign powers came to this country and did to us what these gangs and drug dealers are doing, we would declare war upon them. It is time we declared war on drugs and gave our people sufficient money and manpower to do the job.

CARSON CITY HIGH SCHOOL GIRL'S BASKETBALL TEAM

Mr. REID. Mr. President, I rise today to pay tribute to the Carson City High School girl's basketball team.

Often in the shadow of the large Nevada high schools, the Carson City High School girl's team is not only the Nevada women's champion, but also ranked this year among the top 20 teams in the Nation. I am happy to announce that their coach, Alana Williams, has been named Northern Coach of the Year, for this successful season.

Carson City High School, a school of about 1,300 students, is living proof that talented groups of students, and teachers, are not limited to large urban areas. Carson is a progressive school that places strong emphasis on academics. Its athletes do not excel only on the playing courts—the young women I am commending today are also honor students. These well-rounded girls are the pride of Carson City, and all of Nevada. I applaud the girls of the Carson City High School basketball team, and their coach, and encourage them to keep up the good work.

Here is what Ruthe Deskin, a columnist of the Las Vegas Sun, had to say:

When I was a kid growing up in Pizen Switch, and later as a student at University of Nevada, Reno, I was quite a good basketball player. Darn good, in fact. That might account for my love of the game.

This year—and every year—my heart has been with the Runnin' Rebels—no matter what they do. The same goes for the Lady Rebels.

But with all the hoopla that surrounds the Rebel basketball team, a girl's team in northern Nevada has been overlooked—except by those who measure ability and worth.

We should all be proud of the Carson City girl's high school basketball team for ranking among the top 20 teams in the nation this past season.

That's mighty fine for a small school in Nevada and proves that talent isn't confined to larger metropolitan areas.

Congratulations Carson City girls.

MEMORIAL SERVICE FOR THE 47 NAVY MEN WHO GAVE THEIR LIVES ABOARD THE U.S.S. "IOWA"

Mr. HELMS. Mr. President, the distinguished Senator from Virginia [Mr. WARNER] and I represented the U.S. Senate on April 24 when memorial services were conducted for the 47 young Americans who lost their lives aboard the U.S.S. *Iowa* on April 19.

Needless to say, it was a sad time for all who were present. But it was inspiring, too. In fact, I have never been more impressed than when I heard the words of comfort and sympathy by all who spoke that morning, including the President of the United States.

Mr. President, I will not try to describe the occasion. That can best be done by making a part of the RECORD the texts of the remarks we heard that morning, along with other information about the 47 men and the U.S.S. *Iowa*. Thus, I ask unanimous consent that at the conclusion of my remarks certain material be printed in the RECORD, as follows: First, names of the 47 fine young Americans who lives were lost; second, the program for the memorial service; third, tribute by Capt. F.P. Moosally, USN, commanding officer, U.S.S. *Iowa*; fourth, homily by Capt. John H. Kaelberer, CHC, USN, Atlantic Fleet chaplain; fifth, remarks by President Bush; sixth, benediction by the Honorable William L. Ball III, Secretary of the Navy; and seventh, the "Navy Hymn."

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

THOSE WHO GAVE THEIR LIVES ABOARD U.S.S. "IOWA" (BB-61), APRIL 19, 1989

Tung Thanh Adams, Robert Wallace Backherms, Dwayne Collier Battle, Walter S. Blakey, Peter Edward Bopp, Ramon Jerel Bradshaw, Phillip Edward Buch, Eric Ellis Casey, John Peter Cramer, Jr., Milton Francis Devaul, Jr., Leslie Allen Everhart, Jr., Gary John Fisk, Tyrone Dwayne Foley, Robert James Gedeon, III, Brian Wayne Gendron, John Leonard Goins, David L. Hanson, Ernest Edward Hanyecz, Clayton Michael Hartwig, Michael William Helton, Scott Alan Holt, Reginald L. Johnson, Jr., Brian Robert Jones, Nathaniel Clifford Jones, Jr., Michael Shannon Justice, Edward J. Kimble, Richard E. Lawrence, Richard John Lewis, Jose Luis Martinez, Jr., Todd Christopher McMullen, Todd Edward Miller, Robert Kenneth Morrison, Otis Levance Moses, Darin Andrew Ogden, Ricky Ronald Peterson, Matthew Ray Price, Harold Earl Romine, Jr., Geoffrey Scott Schelin, Heath Eugene Stillwagon, Todd Thomas Tatham, Jack Earnest Thompson, Jr., Stephen J. Welden, James Darrell White, Rodney Maurice White, Michael Robert Williams, John Rodney Young, Reginald Owen Ziegler.

MEMORIAL SERVICE, NAVAL BASE, NORFOLK, VA, APRIL 24, ,1989

Welcome: VADM J.S. Donnell III, USN, Commander Naval Surface Force, U.S. Atlantic Fleet.

The National Anthem: The United States Atlantic Fleet Band.

Invocation: RADM A.B. Koeneman, CHC, USN, Chief of Chaplains.

Pastoral Prayer: CAPT C.R. Coughlin, CHC, USN, Chaplain, COMNAVSURFLANT.

Reflections: CAPT F.P. Moosally, USN, Commanding Officer, U.S.S. *Iowa*.

Old Testament Reading: LCDR F.A. Thompson, Jr., CHC, USN, U.S.S. *Iowa* Chaplain.

New Testament Reading: LCDR J.L. Danner, CHC, USN, U.S.S. *Iowa* Chaplain.

Homily: CAPT J.H. Kaelberer, CHC, USN, Atlantic Fleet Chaplain.

The President: The Honorable George Bush.

Moment of Meditation.

Benediction: The Honorable William L. Ball III, Secretary of the Navy.

Navy Hymn: All Stand and Remain Standing.

Postlude: The United States Atlantic Fleet Band.

MEMORIAL SERVICE REMARKS, CAPT. F.P. MOOSALLY, COMMANDING OFFICER, U.S.S. "IOWA"

I remember turret two.

I remember their faces as they toiled at their guns, sweating an honest sweat that comes from young men dedicated to a great cause. Who chose to serve, to grow and to learn with others, while securing a place in history for generations after them.

I remember their strong hands as they wielded their great charges with an energy I could only marvel at. The energy of their youth which they channeled towards their love of freedom.

I remember as they talked among themselves, looking so much like sailors of our past, sharing the exuberance of the times and the dreams of the future.

I remember turret two.

They were the life, the spirit and the soul of our ship. They embodied the ideals of our history and the hope of a brighter tomorrow. They gave of themselves to the goals we all share, and they made the ultimate sacrifice for us. We will not, nor can we ever forget the lessons they taught us.

The crew of *Iowa* shared much with turret two. We shared their enthusiasm, their drive and their kindness. We worked side-by-side and shoulder-to-shoulder to build a team, a family, a common bond which can never be broken. And though they have left us in body, they will always remain within us.

We came together in times of trouble. We shared the good and the bad, the comedy, and now the tragedy. The grief we share with you their families, is deep, but we must go on. For we are the crew of *Iowa*. Permanently fused, like the steel of the ship we sail. Our sides are strong, our towers high and our course is set. We are the *Iowa*.

A part of every rivet, every plank and every line. We are the ship. She breathes through us, and she lives as a part of us. As long as she sails the seas we will be a part of her, a part of the *Iowa* spirit. That spirit lives, and the men of turret two will forever be a part of that living spirit.

HOMILY BY CAPT. JOHN H. KAELBERER, ATLANTIC FLEET CHAPLAIN

Grace to you and peace from God the Father and the Lord Jesus Christ.

Today we remember and honor 47 Navy shipmates who paid the supreme sacrifice for our country. Their names in our program are more than ink upon paper . . . They are sons, husbands and fathers and our great Nation joins with and shares in the grief that the families and the collective family in U.S.S. *Iowa* experiences.

We reach out to you to express our sympathy, to embrace you physically, and just be with you. Because we care and love you, there is a prayer upon the hearts of your fellow-Americans . . . the prayer that God may grant you His peace and His comfort . . . that He mend your broken hearts.

What happened five days ago in No. 2 turret can not be reversed. All that was important to us on Tuesday such as the dinner menu, employment opportunities, the new dress, a night at the movies or ball game, suddenly became irrelevant on Wednesday morning when radio and TV brought the news of tragedy in U.S.S. *Iowa*. All that was

familiar became unfamiliar, meaningless. Even the Scripture passages read moments ago may seem irrelevant.

The Good Shepherd . . . "Where is He?" . . . You ask as you find yourself deep in the valley of the shadow of death . . . a valley whose walls imprison you in grief. Then the words of the psalmist come to you again, words you have heard hundreds of time, but today they come as God's light, love, and peace to your heavy heart: "Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me." Then, perhaps, you feel yourself wrapped in helplessness, as you see yourself as a sheep, that is trapped . . . in need of a shepherd. But you need not panic or feverishly search for the shepherd. He has been with you all the time and not for a split-second has He ceased to be the Good Shepherd. He is the only meaning, comfort, peace, and help that you can take hold of.

To the Jew the Good Shepherd is shalom which means not only peace but completion, wholeness comfort . . . all that gives meaning to life.

To the Christian the Good Shepherd is Jesus. In John 10:11 Jesus said: "I am the Good Shepherd." And as Good Shepherd He it is who prepares places in God's heavenly mansions, and who promises that where He is, we may be also . . . all through His resurrection power!

Yes, dear people, there is hope and comfort. Your loved ones, our loved ones, in the line of duty gave their lives for our country. They now know the God who breathed life into them when they were conceived in their mother's wombs. May we, who yet walk in this life know God who is our Creator/Saviour/Lord and know the comfort and the peace which at a time like this, He alone can give.

Amen.

REMARKS BY PRESIDENT BUSH

We join today in mourning for the 47 who perished, and in thanks for the 11 who survived. They all were, in the words of J.J. Rooney, "the men behind the guns."

They came from Hidalgo, Texas, and Cleveland, Ohio; from Tampa, Florida, and Costa Mesa, California. They came to the Navy as strangers; served the Navy as shipmates and friends; and left the Navy as brothers in eternity. In the finest Navy tradition, they proudly served on a great battleship—the U.S.S. IOWA.

This dreadnought, built long before these sailors were born, braved the wartime waters of the Atlantic to take President Roosevelt to meet Winston Churchill in Casablanca, and anchored in Tokyo harbor on the day World War II ended. The IOWA earned 11 battle stars in two wars.

October of 1944, off the coast of the Philippines. I can still remember. For those of us serving on carriers in Halsey's 3rd Fleet, having the IOWA nearby really built our confidence. I was proud to recommission the IOWA in 1984. Now fate has written a sorrowful chapter in the history of the U.S.S. IOWA.

Let me say to the IOWA crew, I understand your grief. I, too, have stared at the empty bunks of lost shipmates, and asked, "Why?" I promise you today, we will find out "why"—the circumstances of the tragedy. But, in a larger sense, there will never be answers to the questions that haunt us. We will not—we cannot, as long as we live—know why God has called them home.

But of one thing we can be sure—this world is a more peaceful place because of the U.S.S. IOWA. The IOWA was recommissioned, and her crew trained, to preserve that peace. So never forget that your friends died for the cause of peace and freedom.

To the Navy community, remember that you have the admiration of America for sharing the burden of grief as a family—especially the Navy wives, who suffer most of the hardships of separation. You have always been strong for the sake of love. You must be heroically strong now. But you will find that love endures. It endures in the lingering memory of time together, in the embrace of a friend, in the bright questioning eyes of a child. And, as for the children of the lost, throughout your lives, you must never forget: Your father was America's pride.

Your mothers and grandmothers, aunts and uncles, are entrusted with the memory of this day. In the years to come, they must pass on to you the legacy of the men behind the guns.

To all who mourn a son, a brother, a husband, a father, a friend—I can only offer you the gratitude of a Nation, for your loved one served his country with distinction and honor.

All Americans hope that our sympathy and appreciation provide some comfort. But true comfort comes from faith and prayer.

Your men are under a different command now, one that knows no rank, only love; knows no danger, only peace. May God bless them all, these men behind the guns.

And may God bless the U.S.S. IOWA, and all who walk her deck.

BENEDICTION BY THE HONORABLE WILLIAM L. BALL III, SECRETARY OF THE NAVY

Our Father:

Before we take leave now—one from another—we pause to thank you for your presence here and for your sustaining watchcare over those of our Navy family whose loss we mourn.

We pray that you will bestow upon us the will, compassion, and humility that you enable us to draw strength from each other. It is from that strength that we will renew our faith O Lord—and then from that faith may we seize upon hope.

Be with our President as he leaves us now and shoulders the burdens we have placed on him. Sustain within him the qualities that are your special gift to him—and that bring from his heart those words that console us today.

It is our prayer that you will guide to him our thoughts as a Nation in sorrow—that we may behold all that is noble in the sacrifice of these 47 men of IOWA—and that we may reflect as a Nation on the precious heritage and the national treasure that these sailors and their shipmates represent.

Finally, Lord, we ask most earnestly that you insure that those men taken from us know from this moment and forevermore how proud we are to have had each of them serve under our Flag. We know not where we find such good and able men who came forward to serve at sea. We know only Lord that we trust in you and we have them here by your grace and through your love for us.

Help us to honor them as we leave here with the vow that we shall never forget the price they have paid and the purpose for which they have paid it. For it is in Thy Holy Name that we ask it. Amen.

NAVY HYMN

Eternal Father, strong to save,
Whose arm hath bound the restless wave,
Who bidd'st the mighty ocean deep
Its own appointed limits keep,
O hear us when we cry to thee
For those in peril on the sea!

And when at length her course is run,
Her work for home and country done,
Of all the souls that in her sailed
Let not one life in thee have failed;
But hear from heaven our sailor's cry,
And grant eternal life on high! Amen.

EUNICE KENNEDY SHRIVER'S ELOQUENT RESPONSE TO THE "ABORTION-RIGHTS MESSAGE"

Mr. HELMS. Mr. President, the April 24 edition of the Washington Post contained a remarkably eloquent letter written by Eunice Kennedy Shriver. I have never read a more impressive analysis of a moral problem besetting our country today.

I shall not comment further except to say that all Senators, and all others who read the CONGRESSIONAL RECORD from time to time, should spend a few minutes reading what Mrs. Shriver wrote.

Mr. President, I ask unanimous consent that Mrs. Shriver's aforementioned letter to the editor be printed in the RECORD, along with a note that she wrote to me.

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

THE JOSEPH P. KENNEDY, JR., FOUNDATION,
Washington, DC, April 25, 1989.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: I thought you might be interested in the attached letter to the editor which appeared in the Washington Post on Monday, April 24, 1989.

I hope you will find the letter helpful in clarifying some extremely important and sensitive issues.

Sincerely,

EUNICE KENNEDY SHRIVER.

[From the Washington Post, Apr. 24, 1989]

THE DANGEROUS IRONY OF THE ABORTION-RIGHTS MESSAGE

I watched the recent March for Women's Equality/Women's Lives with both pride and dismay; pride that so many thousands of women could come together to affirm significant issues affecting their lives; dismay at the sight of mothers and daughters parading together under the banner of "control of our bodies."

Whatever the arguments pro- or anti-abortion, the assertion of unlimited "control of our bodies" sends a dangerously confusing and ambiguous message to all women, but especially to our generation of teenagers.

For the fact is, our most often-repeated message to teens who would claim their right to control everything that involves their bodies is, "Just say no!" We challenge their right to take drugs, to smoke, to become addicted to alcohol, even to enhance their bodies' strength through steroids.

We say that "control of your body" must be limited to those actions and behaviors that are life-affirming. And this includes

the ways in which we express and use our sexuality, and the way in which we treat the life that our sexuality creates.

When a pregnant teen-ager (or any pregnant woman) goes to see her obstetrician for prenatal care, the obstetrician tells her to eat correctly, stop smoking, stop drinking, don't do drugs, exercise and get proper rest. Is this advice just for her, or is the physician thinking beyond the mother to the fetus? Isn't it strange and confusing that we ask a physician to perform an abortion without regard for the life of the fetus, whereas at the same time, in other cases, we expend great medical resources to treat a fetus in the womb?

There is far more to this issue than control of one's body. There is the overwhelming principle of the affirmation of life; the absolute right for the fetus, as a life, to be considered in making a life-threatening decision.

In a rational and moral society, how can we expect the physician to be responsible both for the welfare of the fetus and for its destruction? Does this affirm the meaning of life or deny it? And what message does this send to our teen-age children concerning the proper "control over their bodies"?

Morality and law should protect the life of the fetus against the absolute "control" of anyone. Even the mother. I am not a lawyer, but if I were pursuing the legal arguments, I would take the position that the courts have already affirmed the civil right of the fetus.

If a product such as thalidomide damages the young fetus, that fetus at birth has legitimate basis for a claim of personal injury against the manufacturer, and large awards have been granted in such cases.

Similarly, if abortion is attempted but is incomplete, and the fetus is born later as a damaged baby, I believe that the fetus, now a baby, has cause for damages resulting from injury during pregnancy. Certainly, being deprived of life—as guaranteed by the Constitution—should be even more a cause for action than being damaged.

Under the Constitution, and our traditions of ethics and morality, no one should exercise absolute control over another. What is missing from the easy acceptance of "control of our bodies" is due process by which the rights of the fetus must be weighed against the rights of the mother.

Such an application of due process would permit the weighing of circumstances and the legitimate claims of both the mother and the fetus. It would make the taking of the life a serious, even agonizing decision for the physician and the mother, not an easy, forgettable act. It would make getting pregnant or making another pregnant a serious, not a cavalier, act. And with hope, it would move us to a more responsible and more life-affirming citizenry in matters of sex.

If we are to be a life-affirming society, we must articulate the values that underlie both our private acts and our public policy; housing for the homeless, food for the hungry, quality education and health care for the poor, the disabled and the young. And then, reflecting on our values, shouldn't we also be a society that cares for and respects and protects life in the womb?

EUNICE KENNEDY SHRIVER.

WASHINGTON.

A TRIBUTE TO JIM ANDERSON

Mr. BURDICK. Mr. President, as most of my colleagues in this Chamber know, I have dedicated my career to the working people of this Nation, the backbone of America. When I think of working people, particularly union members, Jim Anderson of Fargo comes to mind. A member of the International Association of Machinists, Jim is always willing to help his family and friends, his coworkers, and his community. I am proud to know Jim and his wife, Peggy.

Jim was recently given organized labor's highest award for service to youth. I ask unanimous consent that a brief article about this honor be printed in the RECORD at this point.

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

ANDERSON HONORED BY MACHINISTS

Jim Anderson, a member of the International Association of Machinists and Aerospace Workers, Lodge 2525 in Fargo, has been presented the George Meany Award, organized labor's highest award for service to youth through the program of the Boy Scouts of America.

The award is given by the Fargo-Moorhead AFL-CIO Trades and Labor Assembly to recognize union members who perform outstanding service to youth as a volunteer Scout leader.

THE MIDDLE EAST

Mr. BURDICK. Mr. President, for many years America's efforts to maintain peace in the Middle East have been driven by an overriding desire to assure a steady flow of petroleum. But a recent report in the Cox newspapers suggests that water—not oil—is the resource that will most influence the geopolitical landscape of that politically volatile region.

Andrew Alexander, a reporter with the Washington Bureau of Cox Newspapers, spent 5 months examining water availability and consumption patterns throughout the Middle East. His findings are disturbing—not just because they suggest that the scarcity of water could lead to regional conflict, but because they point out that Congress has all but ignored the likelihood of this crisis. As Mr. Alexander points out, Congress has not devoted a single hearing to this topic in at least the past 10 years. Yet we have approved more aid for the Middle East than any other part of the world during that period.

Mr. President, this report is painstakingly researched and disquieting in its conclusions. It brings to our attention a little known problem that may soon develop into a major crisis. At the same time, an accompanying article offers hope that such a catastrophe can be averted—but only if we act now. I ask unanimous consent that they both be printed in the RECORD.

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

LOOMING WATER CRISIS THREATENS MIDEAST—SHORTAGES COULD IGNITE WARS IN FRAGILE REGION

(By Andrew Alexander)

JERUSALEM.—The Middle East is on the verge of a water crisis that could cause unprecedented economic hardship, rip apart fragile political alliances and plunge the region into a series of bloody conflicts by the end of the century. Water—not oil—is emerging as the resource that will most influence the geopolitical shape of the Mideast.

An analysis of hundreds of key indicators gathered from the region—data on water flows, consumption patterns, population trends and economic projections—points to critical water shortfalls in the Mideast by the year 2000.

The struggle for scarce water could be a catalyst for peace—but only if governments begin soon to forge water-sharing agreements.

If they do not, the region could explode into water struggles that would have major implications for the United States and render useless the billions of U.S. dollars spent to maintain a military and political balance in that region.

Water scarcity has been a pressing concern since biblical times in the arid Mideast, where rainfall is irregular and less than 8 percent of the land is cultivated. But only recently have experts begun warning that soaring populations, high water consumption and ravaged economies could combine to ignite simmering political disputes.

"The beginnings of the crisis are already here and the potential for large-scale crisis is great," says Thomas Naff, a leading water expert with Associates for Middle East Research Inc. of Philadelphia.

Similar views are shared by many of the government leaders, technical experts, political analysts and intelligence sources interviewed by Cox Newspapers in Israel, Jordan, Egypt, Turkey, France, Britain and the United States. Many of the informed observers say the issue has not received priority attention in official circles—perhaps because it is a silent problem creeping toward catastrophe.

In the past 10 years, Congress has approved more U.S. aid for the Mideast than any other region of the world. Israel and Egypt alone have received nearly $60 billion during that period. Yet in that time period U.S. lawmakers have not held a single hearing on Mideast water shortages.

Government leaders in the region acknowledge that water shortages pose a severe problem, but few publicly describe it as a crisis.

"When you ask these people if this is a crisis, you have to ask yourself: 'Compared to what?'" says Joyce Starr, a Mideast water expert with the Center for Strategic and International Studies in Washington. "To them, it may not be a crisis compared to the threat of war tomorrow or the everyday threat of terrorism."

To some, the problem may appear overstated. Tourists in the Mideast find ample water to bathe or swim. The Jordan Valley is lush with irrigated crops. The Nile River flows wide and steady.

Yet such appearances are deceiving. These outward signs of abundance mask immense water problems and potential conflicts. Among them:

By the end of the century, Israel's water needs may exceed supply by 30 percent. Jordan may face a shortfall of 20 percent.

Water rationing has already begun in parts of Israel, Jordan, Syria and Libya.

In southeast Turkey, the government is nearing completion of the mile-long Ataturk Dam as well as more than a dozen smaller dams along the Tigris and Euphrates rivers, which flow into Syria and Iraq. These projects will provide electricity and irrigation to an area of Turkey roughly the size of South Carolina. But they will also diminish the flow of water into Syria and Iraq, which need it for their own industrial and agricultural expansion.

Turkey has pledged to provide Syria and Iraq with an adequate flow of water. But prolonged negotiations have yet to produce a formal agreement.

Experts fear that the Nile River cannot support Egypt's rapidly expanding population, which is projected to double to 110 million in the next 25 years. They warn that the population growth rates are alarmingly high in eight other African nations that rely on the Nile's water, suggesting that the river may not be big enough to support them.

Most countries in the region also face a water quality problem. Confidential studies by the World Bank and independent experts, obtained by Cox Newspapers, warn of unacceptably high levels of water pollution in Jordan. Similar problems exist in Cairo, where sewage often backs up into houses because the burgeoning population has clogged the waste removal system. Some experts fear the sewage is seeping into fresh water supplies.

The consequence of water shortages will not be fields that suddenly become parched.

Rather, the impact will be more gradual, experts report. Dwindling water supplies will more likely mean a steady reduction of living standards in a part of the world already mired in economic crisis. Less water for irrigation will reduce crop yields, which will cut farm exports. As conditions deteriorate, the likelihood of unrest will grow.

There have already been wars—and near wars—in the Mideast over control of key rivers such as the Jordan, Litani, Yarmuk and Orontes.

After that war, the Palestine Liberation Organization launched raids against Jewish water installations, prompting Israel to attack irrigation canals in neighboring Jordan. By damaging crop production, Israel hoped to pressure Jordan's King Hussein to clamp down on the PLO.

War was narrowly averted in 1975 when Iraq mobilized its army against Syria, which had begun to fill an upstream reservoir on the Euphrates River.

As expanding populations create additional demand for water, the number of such incidents could grow.

Israel and Jordan are concerned that Syria will try to alter the flow of the Yarmuk River, which provides critical irrigation for Israeli and Jordanian farms.

Some experts worry over reports that Ethiopia, whose mountains supply the bulk of the runoff that feeds into the Nile, plans to build a dam across that vital waterway. The reduced flow to Egypt, which needs more Nile water to expand agriculture, could lead to war.

Washington expert Starr says the balance of water-sharing along the Nile remains so fragile that a major diversion anywhere along its 4,000-mile route could lead to conflict.

"You've got nine countries sharing the Nile, each with booming populations and growing water requirements," she says.

Nowhere is the water issue more volatile than in Israel.

"We have a serious problem," admits Israeli Water Commissioner Zemach Ishai. "We need more water for agricultural expansion, (but) we don't have any sources that are untapped."

Growing demand has forced Israel to draw on its water resources beyond their replenishment rate. Israeli water officials acknowledge that overpumping the country's two main aquifers has created a nationwide deficit of about 1.7 billion cubic meters (BCM) of water—only slightly less than the 1.9 BCM the country uses annually. Some estimates by outside experts put the annual consumption much higher.

This 1.9 BCM equals about 500 billion gallons of water, which can be compared with Austin's water usage. City officials estimate that Austin water customers use about 33 billion gallons a year.

Experts doubt that Israel's aquifers can be replenished.

"Somewhere between the turn of the century and the year 2010, they are going to have to come up with between 500 and 600 million cubic meters annually of new water," says Naff. "They can't do it."

Once water levels dip below what hydrologists call the "red line," surrounding pools of salt water and other pollutants begin seeping into the aquifers and contaminate the remaining fresh water. A 1987 report by Israel's State Comptroller found seepage into the country's primary coastal aquifer had polluted more than half of the wells there with nitrate levels that exceed the health standards of most Western countries.

Now there is concern that the overpumping will ruin Israel's aquifers. "Once you have destroyed an aquifer it can't be restored in just a few years," warns Naff. "It can take up to 20,000 years."

In a sense, Israel is a victim of its own success. During the past quarter-century, it has emerged as the world leader in efficient water use. Israel pioneered "drip irrigation" technology—specially designed hoses dribble water on individual plants—that has literally made the desert bloom. Cultivated land has increased from 400,000 acres in 1948, when the country gained its independence, to more than 1.6 million acres today. On a per capita basis, Israel now consumes five times more water than its Arab neighbors.

Demand will grow along with Israel's population, which is projected to increase by 1 million to 5.5 million by the end of the century.

Ishai acknowledges "there has been overexploitation" of water resources in Israel.

According to the latest report of the West Bank Data Base Project, an independent Israel-based research group, Gaza is now experiencing an "acute shortage" of drinking water in some areas. The annual shortfall of about 2.4 million cubic meters is made up by forcing residents to drink brackish water.

Israelis blame the water shortage on Arabs for drilling to many wells in Gaza before the 1967 war. Arabs blame Israeli settlers for taking a disproportionate share every since.

"Regardless of who is at fault, there is no water," says Starr, who last year authored a report on Mideast water problems. She added, "Israel will have to supply Gaza with water by the year 2000 and they don't have the water to supply."

Ishai's solution is to refuse to pipe any Israeli water to Gaza to agriculture purposes after the year 2000, when the Arab population there is expected to exceed 1 million.

"We'll give them water to live," says Yishai, "but we are not going to support their agriculture."

A U.S. diplomat in Jerusalem says such a policy would be "tantamount to starvation" for the Arab residents and would create an "enormous international human rights controversy" for the Israeli Government.

Jordan already faces a water crisis that its burgeoning population and strained economy promise to make worse. Parts of the country now experience shortages during the summer months.

Aquifers and wetlands are drying up as water is withdrawn to meet the agricultural and domestic needs of a population that grows annually by 3.6 percent—the world's fifth-highest growth rate.

"The level of consumption, brought about by development and population, is hitting the ceiling of our fresh-water resources," says Munther Haddadin, former head of the Jordan Valley Authority, which administers the farming area along the Israeli border.

But Jordan is wasting much of its water. Government officials say millions of cubic meters of water are lost each year through broken water mains and evaporation through open canals. Elias Salameh, a leading water expert at the University of Jordan, points to a recent study that shows losses of up to 52 percent in some community water systems. He says acceptable losses should not exceed 15 percent.

In the Jordan Valley, the country's agricultural heartland, the waste is even greater. Up to 60 percent of the annual flow for crop use is lost through overuse by farmers and from evaporation and cracks in the 1960s-era open canals that deliver water to fields, says M. Bani Hani, secretary general of the Jordan Valley Authority.

He hopes losses can be cut by two-thirds by replacing the canals with a network of pressurized pipes. But this urgently needed conversion work has been slowed by Jordan's economic problems.

Even if waste is sharply reduced, he says, Jordan will still face such a severe shortfall by the year 2005 that water will have to be diverted from agriculture to meet the domestic needs of the growing population.

A confidential World Bank report prepared for the Jordanian government last year, found that the demand for industrial and municipal water is already so great that agricultural expansion in the Jordan Valley should be halted immediately so as not to draw off any more water for irrigation. But that step would further exacerbate Jordan's economic woes since agriculture accounts for nearly a fifth of that country's annual export earnings.

With financial help from the United States, Jordan and Syria plan to build a $400 million "Unity Dam" on the Yarmuk River, which skirts their common border. It would provide electricity for Syria and would give Jordan an additional 150 million cubic meters of water annually.

But the dam must be built by 1995 in order for Jordan to avoid severe water shortages. Even if completed on time, the World Bank report cautions, Jordan's growing population will require another new water source for municipal and industrial needs by the year 2005.

In addition, Jordan's water is becoming badly polluted. The surface water flowing into the reservoir behind the King Talal Dam, which stores water for irrigation, is crusted with a snow-like foam. It is so badly polluted that fishing is forbidden. Some ex-

perts worry that this poor water quality may be contaminating crops.

Jordan Valley farms are irrigated with water from the East Ghor Canal, completed in 1964 with U.S. government aid. In a confidential report to the Jordanian government, a Canadian research scientist noted a "shocking" lack of data on the water's purity.

When he asked an official why the water was not being monitored for pollution, the scientist wrote, he was told: "It is well-known that the East Ghor Canal is grossly contaminated with fecal pollution.

In the impoverished Cairo neighborhood of Mounira el Gedida, where about 150,000 people live 1,000 to an acre, tanker trucks crawl the streets in search of manhole covers hidden beneath decomposed garbage. Drivers pry open the metal lids, stick hoses down the hole, and an engine begins sucking tons of raw sewage into the tank.

This is a sign of the times in Cairo, whose estimated 21 million residents have clogged the city's sewage system, which routinely backs up into houses in impoverished areas. Although Egyptian officials deny it, some water experts believe the sewage is seeping into water supplies.

That is just one of many water problems confronting Egypt.

More serious ones involve the Nile River, which flows majestically through Cairo, giving a false impression that there is more than enough water to meet Egypt's growing agricultural, municipal and industrial needs. In reality, the Nile is being overtaxed. Indeed, there is concern that it may not be able to support the country's growth.

The problem can be seen 600 miles upriver from Cairo at the Soviet-built Aswan High Dam, completed in 1971. About 360 feet high and more than 2 miles long, the dam blocks the Nile. It has created a lake that stretches 300 miles into neighboring Sudan.

The dam was built to provide electricity and to regulate Nile waters for farming. Yet, an unforeseen consequence has been that it has harmed the land. Before the dam was built, seasonal floods deposited up to 20 million tons of mineral-rich mud on the fields. Now, that silt is trapped behind the dam, and the water that passes through is purged of its natural ingredients.

Thus, farmers must purchase fertilizers. While the regulated Nile waters have enabled them to turn more desert land to agricultural use, the crop yield per acre has declined in some areas since the dam was constructed.

The greatest fear among Egyptian water experts is that the Nile will be unable to support the country's soaring population. Under a 1959 agreement with Sudan, Egypt is permitted to withdraw about 55.5 billion cubic meters of water annually from the Nile. That is roughly equal to the amount of water used in many U.S. municipal water supplies each day.

Last year, Egypt used nearly all of its quota. Yet its population is growing at a rate of 2.8 percent a year.

Ossama el-Baz, chief of staff to Egyptian president Hosni Mubarak, is confident the country's future needs can be met through conservation, recycling irrigation water, expanding farmlands and lowering the rate of population growth to 1.5 percent annually.

But others, including experts from Western governments who advise the Egyptians on water matters, are alarmed.

They note that in recent years Egypt has had to import up to 50 percent of its food. Furthermore, they say, the government has done too little to stop farmers from wasting water through "flood irrigation" techniques.

Government officials agree that one way to increase efficiency is to begin charging farmers for the water they use. But the Mubarak government fears political fallout.

"People have been using this free for years. It's tradition," says A.B. Abulhoda, a top water official. "You can't just start charging them."

If Egypt's water supply problems are difficult during ordinary years, there is potential for drought that would cause widespread suffering.

Several years ago a prolonged drought caused water levels behind the Aswan Dam to sink to within 10 yards of the 12 giant turbines that provide nearly a quarter of Egypt's electricity. Had there not been enough water to turn the turbines, Abulhoda said, there would have been a "very grave" disruption of Egypt's economy.

Egypt's problems could be made worse by developments in upriver countries.

So far, Egypt has been assured of enough water because—under the 30-year-old water-sharing agreement—Sudan has been taking less than its annual allotment. But should peace come to war-torn Sudan, and a new prosperity lead Sudan to demand its full quota, Egypt could suddenly face a critical shortfall.

"We could soon come to a time when a drop of water is more valuable than a drop of petrol," says Abulhoda. "This time will come."

TAPPING SCIENCE, BUDGETS FOR ANSWERS

ANKARA, TURKEY.—Turkey's leaders think they have the solution to the Middle East water shortage that threatens economic chaos and conflict throughout the region.

They want to build two giant pipelines that would tap rivers in sparsely populated south-central Turkey. Each pipe would run nearly 1,700 miles south through nine Middle East countries, carrying 1.5 billion gallons a day to 16 million people who face shortages.

The Turks, who would be paid for their water, call it the "Peace Pipeline Project" because it could reduce the risk of wars by forcing traditional adversaries to cooperate in sharing water.

The construction price tag is staggering—$20 billion.

Yet the leaders of Middle East nations, many of them with ravaged economies, seem resigned to paying whatever it costs to keep the spigot open. They see enormous water projects—dams, reservoirs, deeper wells—as their only option.

They may be wrong.

For there is evidence that vast amounts of water are hidden in the Earth right beneath their feet. And it can be retrieved at a fraction of the cost.

"Most governments see the solution to the crisis as a big dam here or there (or) pipelines going 2,000 miles across countries that are not very friendly towards each other," says Robert Bisson, who heads BCI Geonetics Inc., a New Hampshire-based company that uses new technologies to locate water. "What we have discovered is that a large portion of the water balance has been unaccounted for."

Joyce Starr, a Middle East expert with the Center for Strategic and International Studies in Washington, agrees.

What we don't need are gigantic dams and massive construction projects," she says. "What we need is better management of the resources we have and breakthroughs in technology."

Bisson estimates that 97 percent of the world's unfrozen fresh water is trapped in fractures in the Earth's crust and in the layers of sand and gravel that cover rock formations. Yet only 5 percent of this has been developed, he believes.

Several years ago in Somalia, an African nation that seems hopelessly parched, Bisson's company discovered water. Using so-called "remote sensing" technology such as computer-enhanced satellite imagery and aerial photographic analysis, BCI specialists tracked moisture as it seeped into the Earth's surface after sparse seasonal rains.

The signs tipped them to the likelihood of water-bearing faults beneath the surface. Wells were drilled and soon hundreds of gallons per minute were gushing to the surface.

BCI has conducted similar high-tech searches in Africa and throughout the United States, and claims nearly 100 percent success in finding water, often at far less cost than piping water from long distances.

A few years ago, BCI was asked to search for water in Seabrook, N.H., after taxpayers defeated a $2.5 million plan to pump 700,000 gallons a day into the town's water supply from an outside source. BCI located three well sites that began producing 1.6 million gallons a day at a cost of less than $1.5 million.

Despite the promise that remote sensing holds, Middle East countries are only now beginning to experiment with it. Jordan last year sent three geological engineers to Boston University to study under Farouk El-Baz, who was science adviser to the late Egyptian President Anwar Sadat and who is considered one of the foremost authorities on remote sensing.

"The possibilities are mind-boggling," El-Baz says. "It could be a key to their (water shortage) problem, and it is not nearly so expensive.

Adds Bisson: "If you put the private sector in there with the profit motive, it can be developed efficiently and quickly. The government and the private sector can work in a coordinated fashion.

But most Middle East countries shun remote sensing and continue to plan massive water projects.

BCI Vice President Joseph Ingari thinks it is because geological engineers in these countries, "don't understand the techniques" for discovering water in rock fractures and therefore opt for the traditional big pipeline or well-drilling projects.

Libyan leader Moammar Gadhafi has embarked on what may end up to be a $25 billion project to pipe water from acquifers beneath the Sahara Desert to coastal cities 1,200 miles to the north. The first phase of what Gadhafi calls the "Great Man-made River" is expected to open this year.

Libyan water officials say the acquifer beneath the Sahara is big enough to keep water flowing through the pipes for at least 50 years. But experts and officials in neighboring countries privately say they believe Libya has overestimated the size of the acquifer and what the amount of available water will never justify the project's enormous cost.

Another large water project is nearing completion in southeast Turkey. There the mile-long Ataturk Dam and a network of more than a dozen smaller dams along the Tigris and Euphrates rivers will provide electricity and irrigation to a part of that country roughly the size of South Carolina.

Its worth is being questioned—but for a different reason.

No one doubts that it will benefit Turkey. But it will also diminish the flow of the rivers into Iraq and Syria, which need the water for their own industrial and agricultural expansion.

"I don't see that they should be concerned," says Ala Balaban, an agricultural engineer at the University of Ankara who has advised his government on the Ataturk project. "We are planning on using our share, not their share."

Yet one U.S. expert predicts that the dams could reduce the flow of the Euphrates into Iraq by two-thirds. So far, Turkey's negotiations on water-sharing with Syria and Iraq have not produced a formal agreement.

Those countries that cannot afford big water projects—or have no more major aquifers to exploit—are forestalling a crisis through conservation.

Israel is the leader. It has pioneered highly efficient irrigation techniques, such as dripping water onto individual plants from hoses rather than flooding crop ditches.

As water has become more scarce, some farmers have switched to producing flowers because they require less water and generate higher profits.

But in Jordan, farmers are resisting government pressure to switch to crops that require less water. Vegetables demand only half as much water as citrus fruit, which produces higher profits.

"The farmers are pushing us to be able to have enough water to produce citrus," says Mr. Bani Hani, who oversees the Jordan Valley Authority from its headquarters in Amman. "But we cannot spare the water."

The Israelis have also become leaders in making rain by seeding clouds. Water Commissioner Zemach Ishai estimates that Israel has increased its annual rainfall by 10 percent through the use of chemicals or dry ice particles to trigger reluctant clouds to produce.

As a last resort, some countries in the region are turning to the desalinization of brackish water to make it drinkable. But it is expensive.

Desalinated water can cost as much as $5 for about 250 gallons. By comparison, it is estimated that it would cost no more than about $1 for any of the Middle East countries to receive the same amount of water through Turkey's proposed pipeline.

But Bisson says the project's $20 billion construction price tag far exceeds what it would cost to extract what is beneath each country's soil.

BUSH'S REAL PROBLEM—THE RUINS OF REAGANISM

Mr. RIEGLE. Mr. President, I want to draw attention to a column written by our colleague, Senator HOLLINGS, from South Carolina, which appeared in the Sunday edition of the Washington Post. I think we all know from our personal encounters that Senator HOLLINGS is one of the most brilliant Members we have and one of the finest minds in the country on the complex issues that face us. His article entitled "Bush's Real Problem—the Ruins of Reaganism," is, I think, as tough and hardhitting and as accurate an assessment of our economic and fiscal situation as anything I have seen.

It lays out what ought to be said about the problems that face us, and I want to cite briefly his concluding comments from the article. He writes:

True believers assure us that the unfettered marketplace will fill the void left by the demise of government. But it is precisely unfettered markets that have spawned the whole run of crises that grip us today—the S&L industry collapse, the third-world "debt bomb," toxic waste dumps, destruction of the ozone layer, defense-industry fraud and so on.

We will learn—too late, I fear—that there is no substitute for activist, competent government. If Ronald Reagan's malfeasance and George Bush's nonfeasance succeed in bringing the federal government to its knees, America will be naked to its worst domestic enemies: poverty, ignorance, racism, lawlessness. Abroad, we will be bested by nations such as Japan and West Germany that prize their federal governments as muscular engines of economic growth and social justice. In short, we will be at the mercy of events unless we can restore and revitalize the federal government so that it again stands as a proud instrument of national purpose.

I commend this article to all who read the RECORD. I ask unanimous consent that the article be printed in full in the RECORD today.

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

[From the Washington Post, Apr. 30, 1989]

BUSH'S REAL PROBLEM—THE RUINS OF REAGANISM

(By Ernest F. Hollings)

Uncle Sam is running on empty.

This is not by accident or oversight. When Ronald Reagan came to Washington in 1981, he made no bones about his intention to slash government spending and trash the federal bureaucracy. He flaunted his contempt for government.

Eight years later, liberal pundits crow that the Reagan revolution has failed, that the federal fortress stands stronger than ever. They are dead wrong.

The reality is that President Reagan dealt Uncle Sam a crippling blow. He left a federal treasury that is broke and paralyzed by debt; a federal work force that is demoralized and discredited; a public infrastructure that is literally crumbling. What's more, by mobilizing the nation's voters as "an overpowering bloc vote against necessary taxation" (David Stockman's words), Reagan sapped the government's capacity to put its house—and books—in order. George Bush's craven "Read my lips, no new taxes" is the Rosemary's Baby of the Reagan presidency.

To serve in Washington today is to witness the federal government at its worst. We on Capitol Hill preen as we introduce empty "sense of the Senate" resolutions, sham budgets and hollow bills and then expect to get a good-government award for our efforts. A sad example is the anti-drug legislation passed and signed with such bombast just before the 1988 election. The bill promised an impressive $2.5 billion for a jihad against drugs, but when the dust settled, Congress actually appropriated only $500 million. William Bennett is less a "czar" than a pretender to the throne.

In like manner, Congress and the White House have made a fine art of bogus budgeting. Consider how we will pretend to reduce the federal deficit in 1990 from its true level approaching $300 billion down to the Gramm-Rudman-Hollings deficit limit of $100 billion: First, we will siphon off the $68-billion surplus in the Social Security "trust fund." Then we'll ransack other trust funds (including those for highway and airport improvements) to the tune of $67 billion. We'll throw in monkeyshine economic assumptions such as short-term interest rates falling to 5.5 percent to "save" another $19 billion. Finally, we'll make a few token budget cuts and phantom asset sales and—voila!—another victory for "fiscal responsibility."

Meanwhile, under George Bush as under Ronald Reagan, the hollowing out of the federal government continues apace. Profound social problems—the pathologies of the underclass, a failing education system, declining competitiveness—are not addressed in any meaningful way whatsoever. Our government has charted a course of drift, disinvestment and decline.

The press has focused on the most dramatic cases of neglect: the $300-billion price tag for non-supervision of the S&L industry; the $150-billion cost of fixing neglected federal nuclear-weapons plants; the $100-billion-plus expense of cleaning up toxic waste dumps. But with the exception of one important area—national defense—the demise of government can be documented in virtually every key area of public policy. Consider the following:

EDUCATION

The Reagan administration fell short of its goal of abolishing the Department of Education, but it nonetheless slashed funding and cut the department's staff by 25 percent. Since 1980, adjusted for inflation, education block grants to states have been cut by 63 percent; bilingual education by 47 percent; vocational education by 29 percent; college work-study by 26.5 percent.

Chapter I, the major federal education program to help disadvantaged primary and secondary school children, reached 75 out of 100 eligible poor children in 1980; today it reaches only 54 of 100; some 500,000 kids have been dropped from the program. Head Start, the program for disadvantaged preschoolers, now serves only one in five eligible children. Cuts in the federal school lunch program have kicked 3 million needy kids off the program's rolls.

HOUSING/HOMELESSNESS

Since 1981, federal funding for subsidized housing has been slashed by 81 percent. The estimated waiting time for public-housing vacancy in New York City is 18 years. Every year, half a million units of low-income housing are lost to demolition, arson and gentrification. There are now upwards of 3 million homeless Americans, including entire families (34 percent of the homeless population, and the fastest growing homeless group) and the deinstitutionalized mentally ill (another shameful example of the abdication of government responsibility). Most cities report that demand for shelters has doubled or tripled in recent years.

INFRASTRUCTURE

Systematic neglect of public transportation in recent years has left a staggering toll. As just one example, some 577,000 bridges—approximately one in four—have been determined to be dangerous. Officials estimate that it will cost $51 billion to

repair or replace these deficient bridges, yet only $1.5 billion has been appropriated for this fiscal year. Some 4,000 bridges have been closed, but many more stay open that shouldn't. Expect ever more frequent bridge failures such as the Hatchie River collapse in Tennessee in early April; seven people were killed as their cars plunged into the abyss created by years of neglect.

AIR TRANSPORT

The number of airline flights has increased by 30 percent since 1980, yet the number of air controllers has not increased; indeed, there are 3,000 fewer "full-performance level" controllers today than in 1981. The Federal Aviation Administration estimates that $26 billion must be spent over the next 10 years to expand airport capacity and improve traffic control, yet the 1990 budget request is for only $1.35 billion. There is a $6-billion surplus in the Airport and Airway Trust Fund (generated by the 8-percent passenger ticket tax), but the Reagan and Bush administrations have refused to spend it for its intended purpose.

SAFETY-NET PROGRAMS

In constant dollars, Aid to Families with Dependent Children (AFDC) benefits have been cut by 26 percent since 1977. In 31 states, the maximum AFDC payment for a family of three in 1988 was less than half the poverty level. Even including food stamps, benefits were below the poverty level in 47 states. In 1973, AFDC covered 84 children for every 100 living in poverty; in 1987, it covered only 60 of 100.

Basic nutrition programs have also been neglected. The Women, Infants and Children (WIC) program is one of the most cost-effective social programs ever devised; on average, $1 invested in its prenatal component saves $3 in short-term hospital costs. Nonetheless, funding last year served only 50 percent of the eligible poor.

HEALTH CARE/HEALTH RESEARCH

Community health centers serve only 5 million of the 25 million poor who are eligible. Migrant health care centers serve only 500,000 out of 3 million eligible. Approximately 37 million Americans do not have health insurance—20 percent more than in 1980. Is it any wonder that the United States now has the highest rate of infant mortality among developed nations?

More trouble for the long term will result from the decay of America's infrastructure for medical research. The federal government's best medical researchers are leaving in droves because of absurdly low pay caps. So deep have been budget cuts at the National Institutes of Health that only 20 percent of "highly meritorious" research grants are now approved as compared to a more traditional rate of 45-55 percent.

CONSUMER PROTECTION

The current Consumer Product Safety commissioners' anti-regulatory bias has virtually ended the commission's function. Despite complaints on everything from playground equipment to disposable lighters to space heaters, the commission has not promulgated a new rule since 1984. The staff has been gutted and the number of commissioners reduced from five to three because of budget restrictions. Since the chairman resigned in January, the commission has lacked a legal quorum and been unable to meet.

NATURAL RESOURCES/ENVIRONMENT

In 1978, 3 percent of the federal budget was spent on programs involving natural resources, conservation and environmental protection; 10 years later, that percentage had been cut in half. Federal spending for sewage-treatment facilities has fallen from $4.5 billion in 1978 to only $1.2 billion requested for 1990.

In 1978, $805 million was appropriated for the purchase of land for national parks and recreation areas; in 1988, President Reagan requested a paltry $18 million for such purchases. Meanwhile, we have abdicated federal stewardship over America's priceless natural wonders. The government's initial reaction to Exxon Valdez was "let the private sector handle it." On questions of drilling, cutting an grazing on pristine public lands, the administration's knee-jerk policy is "let 'er rip."

TRADE

A key factor in the record trade deficits of recent years has been the federal government's refusal to enforce U.S. import laws or to promote exports. The total injury last year from illegal imports is $3 billion in lost customs duties, $19 billion in lost sales by U.S. firms, $8 billion to $12 billion in lost national output and nearly a half million lost jobs.

To take just one example of the consequences of the no-policy approach to trade, consider the fate of the U.S. footwear industry. In 1981, with footwear imports totaling 51 percent of the U.S. market, President Reagan terminated all restrictions on footwear imports. By 1984, footwear imports had seized 71 percent of the market, but the U.S. International Trade Commission (ITC) still found "no injury." In 1985, when footwear imports reached 77 percent of the U.S. market, the ITC finally recommended global quotas for five years; President Reagan, however, refused to act. By 1988, imports had captured 82 percent of the U.S. footwear market and were still on the increase.

Even this cursory review of the policy record of the 1980s leaves no doubt: The Reagan revolution against government has "succeeded"—beyond its fomentor's wildest dreams. Indeed, driven by debt and deficits, that revolution has now assumed a destructive dynamic all its own.

True believers assure us that the unfettered marketplace will fill the void left by the demise of government. But it is precisely unfettered markets that have spawned the whole run of crises that grip us today—the S&L industry collapse, the third-world "debt bomb," toxic waste dumps, destruction of the ozone layer, defense-industry fraud and so on.

We will learn—too late, I fear—that there is no substitute for activist, competent government. If Ronald Reagan's malfeasance and George Bush's nonfeasance succeed in bringing the federal government to its knees, America will be naked to its worst domestic enemies: poverty, ignorance, racism, lawlessness. Abroad, we will be bested by nations such as Japan and West Germany that prize their federal governments as muscular engines of economic growth and social justice. In short, we will be at the mercy of events unless we can restore and revitalize the federal government so that it again stands as a proud instrument of national purpose.

VICTIM OF TERRORISM

Mr. SPECTER. Mr. President, very briefly I call the attention of the Senate to a very disturbing article which appeared in the New York Times yesterday relating to the dismissal of the victim of a bombing in La Jolla, CA, one Sharon Rogers, the wife of Capt. Will Rogers III, who was the captain of the *Vincennes*, involved in the firing on a misidentified ship resulting in the downing of an Iranian war plane.

Mrs. Rogers herself was a victim of a terrorist attack and as a result of the attack on March 10, 1989, the school's trustees, according to this account, "bowed to terrorism and refused to let her continue teaching."

The new account reports:

> * * * officials at the La Jolla Country Day School said they had to put the safety of students and faculty first. They also still believed that Mrs. Rogers' presence posed a risk to others' safety that could not be ignored.

When Mrs. Rogers commented about that she said:

> Many people have asked me if I am angry at the way I have been treated by the school. I may say that over the past weeks I have felt many different emotions, but today I am simply just disappointed. More disappointed than I can possibly express.

Asked if she believed that some school officials and parents had capitulated to terrorism, she replied:

> I have a feeling some of them have. Yes. I feel very sad for our country.

Mr. President, when I read this account I feel very sad for Mrs. Rogers, very sad for the community, very sad for the school, and very sad for what has resulted. If we are to stand up to terrorism, if we are to have men serving in the Navy, and if we are to have relatives, wives of such military heroes subjected to terrorist attacks and then have them let down by their fellow members of their community and schools, I think it is a very sad day for this country and it really undercuts our efforts to fight terrorism.

Mr. President, I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

VICTIM OF BOMBING ACCEPTS DISMISSAL

SAN DIEGO, April 29.—The wife of skipper of the U.S.S. Vincennes, who lost her teaching job last month after her van was bombed, has formally submitted her resignation in exchange for $135,000 settlement.

The skipper's wife, Sharon Rogers, said Friday that the school's trustees bowed to terrorism in refusing to let her continue teaching.

But officials at the La Jolla Country Day School said they had to put the safety of students and faculty first. They also said they still believed that Mrs. Rogers's presence posed a risk to others' safety that could not be ignored.

The settlement was announced at a news conference Friday, after weeks of negotiations over Mrs. Rogers' future at the school. The resignation is effective Aug. 31, when her contract expires. In addition to the $135,000 for her, the school agreed to pay $5,000 to Mrs. Rogers's lawyer.

ATTACK UNDER INVESTIGATION

Mrs. Rogers, who is 50 years old, escaped injury March 10 as a pipe bomb exploded

beneath her van. The attack is under investigation as possible retaliation for the Vincennes's downing of an Iranian airline over the Persian Gulf last July 3. All 290 people aboard the airliner died.

Mrs. Rogers's husband, Capt. Will C. Rogers 3d gave the order to fire on the jetliner. The Pentagon said the plane was misidentified by ship radar operators as an attacking Iranian warplane. Iran has vowed revenge.

Mrs. Rogers announced the settlement at a news conference, which was also attended by her husband and guarded by a dozen plainclothes security agents. It was the Rogerses' first public appearance since the bombing.

"Many people have asked me if I am angry at the way I have been treated by the school," Mrs Rogers said. "I may say that over the past weeks I have felt many different emotions, but today I am simply just disappointed. More disappointed than I can possibly express."

VERY SAD FOR OUR COUNTRY

Asked if she believed that some school officials and parents had capitulated to terrorism, she replied: "I have a feeling some of them have. Yes. I feel very sad for our country."

But Bernie Fipp, president of the school's board, said: "The school believed, and continues to believe, that Sharon's presence on campus would pose an unreasonable risk to the children at school."

Many parents at the 700-pupil school had said they supported Mrs. Rogers's desire to remain as a teacher, but others threatened to remove their children from classes if she stayed.

Mrs. Rogers has taught at the school for nearly half of her 25-year teaching career and was paid about $32,000 last year. She said she would try to find another teaching job, preferably in the public school system.

DEATH OF TYRONE DOMINGUEZ

Mr. DANFORTH. Mr. President, the Committee on Commerce, Science, and Transportation lost an outstanding employee this past month. On March 29, Tyrone Dominguez died, due to complications resulting from a kidney transplant 5 weeks earlier. His family and his many friends here in the Senate will miss him very much.

Tyrone was employed as an intern by the Senate Commerce Committee for over 7 years, serving on the Republican staff under three chairmen, Senator PACKWOOD, myself and, most recently, Senator HOLLINGS. During much of that time, Tyrone battled kidney disease. He had been on dialysis three times a week for the last 5 years. He suffered a number of debilitating setbacks as he waited for the opportunity to undergo kidney transplant surgery. Unfortunately, this surgery was unsuccessful. He was 22 years old when he died.

Tyrone's cheerful courage in the face of daunting obstacles was a daily inspiration. He insisted on the most optimistic outlook and remained determined to overcome the odds. The memory of Tyrone Dominguez always will be with us in the best of ways. As we meet the trials of human existence, we can remind ourselves that we knew a young man who never flinched from life, but rather charged ahead and made every moment count.

Mr. President, I would like to take this opportunity to extend the condolences of the entire committee to his parents and family.

RECOGNITION OF DANA K. SARGENT, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Dana K. Sargent of Ashland, KY, who has been named "Kentucky Small Business Person of the Year" by the Small Business Administration. He and others from across the Nation are being honored in Washington as part of our observance of Small Business Week beginning May 7, 1989.

Mr. Sargent and two limited partners purchased Daniel's Home Bakery, Inc., when it had nine employees and a local trade based on traditional products. Over the past 19 years, he has turned this operation into a widely known business with 90 employees and sales of more than $3 million a year. Under his direction, the bakery quickly outgrew an 800-square-foot building and currently is housed in a renovated 30,000-square-foot plant with additional warehouse space being planned. Having started with one station wagon, Mr. Sargent's operation now has two regular trucks, five tractors, and nine refrigerated trailers.

Dana Sargent's innovative approach qualifies him as a role model for small business operators. He has pioneered frozen dessert formulas and packaging techniques that now allow Daniel's Home Bakery to deliver products in perfect condition to consumers as far away as Texas and Vermont. He has introduced a series of fresh pie products for onsite assembly and sale from deli shelves. He has developed a machine to bag cake layers, has worked with packaging companies to develop a variety of bakery goods containers, has undertaken his own packaging operations and has begun to develop products for the gourmet market.

Mr. Sargent has demonstrated the true spirit of America's small business entrepreneurs in his ability to overcome adversity. When sugar prices soared in 1975, he reformulated his products to use less sugar and took other effective steps to contain costs. When a local economic slump threatened expansion plans, he broadened his marketing area, adjusted his plans to meet the requirements of the Ashland enterprise zone and began utilizing JTPA employment programs and other incentives to encourage business development in depressed areas.

As a civic and industry leader, Dana Sargent has promoted the enterprise zone, established and taught vocational school food service classes and worked with high school cooperative programs. He provides refreshments for activities of a major senior citizens' residence in Ashland and takes part in many other constructive efforts on behalf of his community and the food industry.

The theme of this year's Small Business Week is that "Small Business is America's Future." Dana Sargent exemplifies the 19 million small business operators who give meaning to that phrase through their innovative efforts, perseverance, and hard work, day in and day out through this and every other year. For that reason, Mr. President, I rise to recognize and congratulate Dana Sargent and the other "State Small Business Persons of the Year" for their distinguished achievements.

JOHN HUME ADDRESSES THE FUTURE OF NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I recently had the opportunity to read the remarkable and eloquent address by John Hume, leader of the Social Democratic and Labour Party in Northern Ireland, to his party's annual conference in Belfast last fall.

Mr. Hume is well known to many of us in Congress, and his frequent visits to this country and to Capitol Hill have helped educate us all about the true dimensions of the long-festering conflict in Northern Ireland and the most realistic means to reach a peaceful settlement of that conflict.

In addressing his party's conference, Mr. Hume restates the case against violence and repeats his call for all sides to come together to settle their differences around the conference table and create a new relationship for the future.

I believe that all of us in Congress who have worked with Mr. Hume—and many others who wish to know more about the complex situation in Northern Ireland—will welcome the opportunity to see his perceptive address, and I ask unanimous consent that it may be printed in the RECORD. I also ask consent that a profile on Mr. Hume which appeared in the Christian Science Monitor last week may be printed in the RECORD.

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

ADDRESS BY JOHN HUME, 18TH ANNUAL CONFERENCE OF THE SOCIAL DEMOCRATIC AND LABOUR PARTY, BELFAST, NORTHERN IRELAND, NOVEMBER 25-27, 1988

In recent times we have been reminded of a lot of anniversaries. Remembering the past is something of an obsession in this country. The future, discussing it or shaping it, doesn't quite seem to popular. Decisions might have to be taken. Leadership might

have to be given. Our attitude to the future is paralysed by our obsession with the past. Indeed I have often thought that our overindulgence in the past is a reflection of a much deeper weakness in our psyche as a people—our lack of self-confidence to stand on our own feet, in our own time, with the ideas of our time facing the problems of our time. How often do we hear figures of the past used to justify the actions of the present?

Of course, it is the voices of our extremes who continually invoke the past under the guise not only of being the true inheritors of that past but the only inheritors of it—the keepers of the holy grail—thus endowing themselves with a sanctity of purpose which justifies any words, any actions or any deed. No matter how provocative, no matter how horrific.

It does not seem to have occurred to them that if their heroes of the past had followed their example, they would hardly have figured in the history books. Instead they are significant historical figures specifically because they did not allow themselves to be paralysed by the past but were people of their time—realising that problems had to be faced in the context of their time. Put more candidly, there are not too many shopkeepers around today who would run a corner shop as it was run during one of the prominent periods of our history. Yet there are those in political life who want the problems of this country faced as if nothing had changed since 1690, nothing had changed since 1916.

One of the ironies is of course that these extremes are in many ways mirror images of one another. The lack of self confidence exhibited in the arrogance of their rhetoric and actions being only one of their common denominators. We see it in the demand, and the need, to hold all power in one's own hands, in the anxiety to have political structures made in the image of one tradition. It is evident in the rejection of tolerance and the need for domination. It is visible in the abandonment of peaceful processes for violent action and violent excess. It is proclaimed by attitudes that seek victory and not accommodation. It is trumpeted by those who are so sure of their Irishness that they need to remind us of it constantly. Their eyes mist over with self-righteous emotion as they wave national flags as their cherished possession. They don't seem to notice that the real level of their respect is measured by them painting their flag on kerbstones for everyone to trample upon.

The Unionist people have a long and strong tradition in Ireland. They have a rich Protestant heritage and a great pride in their tradition. They have pride in their service to the crown, pride in their contribution to the United States, pride in their spirit of industry and achievement, in their work ethic and in their faith. Their special mettle is believed by many of them to be expressed in victories in battles long ago, battles regularly commemorated.

Yet that pride is not expressed in self confidence. It is expressed in an archaic supremacism and in a desperate fear that they cannot survive in accommodation with other traditions. They must live apart. Living apart may have been tolerable, indeed it may have been very acceptable as long as their hold on power was underpinned by successive British Governments. That is no longer so.

The fundamental change that has taken place as a result of the Anglo-Irish Agreement is a change that is deeply and fully understood by every Unionist. It is that their exclusive hold on power has gone and it is not coming back. Their veto on British policy which they have always had, and which goes to the heart of our problem here, has gone and is not coming back. Their loss is uncomfortable for their leaders, for while they held that privileged position, they never had to be politicians or exercise the art of politics, which is the art of representing one's own view while accommodating others with fairness.

For traditional Unionism in Northern Ireland, other points of view have never actually existed. To this day, as they trumpet about the proposals that they have placed before the British Government about the future of Northern Ireland—the future of us all—the insult doesn't seem to have occurred to them. Not only have they not presented these proposals to those of us who represent other views—views which must be accommodated if we are to have a future—they haven't even published them for the information of their own followers. They are still oligarchs. The faithful will line up when the drums beat. The other points of view, to which lip service is publicly paid, don't really count.

Their loss is painful and difficult for them, but it is very healthy indeed, not only for themselves but for the whole community. Mrs Thatcher has done for Unionists what John F. Kennedy and Lyndon Johnson did for the whites of Alabama in the 60's. She has done something that in their deepest hearts they knew needed to be done but couldn't ever do for themselves. She has stripped them of ascendancy and privilege and in so doing has done a service to us all—by placing us in a politically equal footing.

What Unionists should understand, however, is that the boot is not on the other foot. Our experience has taught us too much for that. In addition, contrary to the oft-expressed line of our political opponents, the Anglo-Irish Agreement has conferred no special benefits on the SDLP. Instead, it is addressing the problem, a problem which its authors recognise will be resolved only in time and by a steady building process. Coercion or conquest is not part of either our intent or our policy.

The challenge to all of us is the same and the challenge is one that has never really been faced up to in this island in all its aspects and implications. When groups of people who differ share a piece of earth, they sit down and sort out their relationships; they accommodate their difference to their mutual satisfaction. That is what happens in every stable and peaceful democracy in the world. When it doesn't happen, there is no stability, there is no peace. There is conflict.

We either take up that challenge now, sit down with representatives of the rest of this island, in the self-confidence that we can not only represent but achieve the protection of our various traditions, or we do not; and instead we pass on this outdated and costly quarrel to the next generation. If we do, it may well take us a long time. That should not hinder us. The willingness to search for accommodation, and to stay with the search in spite of difficulty, must be supreme. We have a lot to conquer. We have to overcome the legacy of the deepest mistrust, the sequence of hurts and injustices piled high upon one another of which each section of our people has its own valid tale to tell. But we should realise that those hurts, those injustices, indeed our whole present situation, are the symptoms and the product of the attitudes that have built our present intolerable society and that have failed to address a simple yet fundamental question, how do we share this island piece of earth together, in a manner that gives supremacy to none? Should we address that question today, we will transform the atmosphere throughout this island and the good will towards us across the world, where our wandering people have left such a mark, will be overwhelming.

There are also those who are mirror images of traditional unionism. They too believe in "themselves alone" as the only answer to the problem of a deeply divided society, without the slightest reference, apart from the verbal ritual genuflections and lip service, to the existence of anyone else. Self-determination of the Irish people is their objective, they say. The Irish people are defined by them, if we judge by their actions and their contempt for their views and opinions of other Irish people, as themselves alone. They are more Irish than the rest of us, they believe. They are the pure master race of Irish. They are the keepers of the holy grail of the nation. That deep seated attitude, married to their method, has all the hallmarks of undiluted fascism. They have also the other hallmark of the fascist—the scapegoat—the Brits are to blame for everything, even their own atrocities! They know better than the rest of us. They know so much better that they take unto themselves the right, without consultation with anyone, to dispense death and destruction. by destroying Ireland's people, they destroy Ireland.

I had discussions with them recently. The talks were designed to explore whether they were willing to lay down their arms and join the rest of the people of this island in the lengthy and difficult search for peace based on real self-determination. I put some questions to them about the price of their means and method, about the consequence of victory for their viewpoint, about peaceful alternatives which already exist. They replied with sheaves of paper reiterating well-worn declarations about nationhood and the rights of the Irish people to self determination, while ignoring the single most self-evident fact that strikes very human being in the world as they look in at Ireland—the Irish people are divided on that very question, the question of how to exercise self-determination. Agreement on its exercise will never be brought about by force and violence but only by dialogue, and all the signs are that such dialogue will be neither easy nor brief.

For people who proclaim their Irishness and their pride in Ireland so loudly and so forcefully, they are remarkably lacking in either the self-confidence or moral guts to sit round and talk with their fellow Irishmen and presuade them that their vision of Ireland is a better one. Their decision in particular to use guns and bombs to "persuade" their Protestant fellow Irishmen is not only an extreme example of lack of faith in their own beliefs or in the credibility of them, it is an attitude of extreme moral cowardice and a deeply partitionist attitude. For its real effect is to deepen the essential divisions among the Irish people.

And it isn't just the Unionist people who are their victims. Leaders of Sinn Fein have been saying recently that the Nationalist nightmare has not ended. They are dead right because they and their military wing are the major part of that nightmare. There is not a single injustice in Northern Ireland today that justifies the taking of a single

human life. What is more, the vast majority of the major injustices suffered not only by the nationalist community but by the whole community are the direct consequences of the IRA campaign. If I were to lead a civil rights campaign in Northern Ireland today, the major target of that campaign would be the IRA. It is they who carry out the greatest infringements of human and civil rights, whether it is their murders, their executions without trial, their kneecappings and punishment shootings, their bombings of jobs and people. The most fundamental human right is the right to life. Who in Northern Ireland takes the most human lives, in a situation where there is not one single injustice that justifies the taking of human life?

Let the record speak. Up till last Saturday 2,705 people have died in the twenty-year period of the current troubles. 31% of these were members of the security forces. 14% were members of paramilitary organisations. 55% were ordinary civilian men and women from both sections of our community, 69% of whom were from the Catholic community and 31% from the Protestant community. And who killed all those people?

The statistics are devastating. 44% were killed by the Provisional IRA and 18% by their fellow travelling "republican" paramilitaries. 27% were killed by Loyalists, 10% were killed by the British Army. 2% were killed by the RUC and 0.28% by the UDR. In short, people describing themselves as Irish republicans have killed 6 times as many human beings as the British army, 30 times as many as the RUC and 250 times as many as the UDR.

And wait! One of their main claims is that they are the defenders of the Catholic community. Of the 1,194 members of the Catholic community who died, 46% were killed by Loyalist paramilitaries, 37% by people describing themselves as republicans and 17% by the security forces. And in the last ten years since 1 January 1978, of the 305 members of the Catholic community who have lost their lives, 112 (37%) have been killed by people describing themselves as republicans, 105 (34%) by loyalists and 88 (29%) by the security forces.

In the last 20 years, republicans have killed more than twice as many Catholics as the security forces and in the last ten years have killed more than the Loyalists! Some defenders. And I haven't even mentioned their "mistakes". Was it O'Casey who said "The gunmen are not dying for the people, the people are dying for the gunmen?"

In addition, all the major grievances today within the nationalist community are direct consequences of the IRA campaign and if that campaign were to cease so would those grievances. The presence of troops on our streets, harassment and searching of young people, widespread house searches, prisons full of young people, lengthening dole queues leading to the emigration of many of our young people, check points, emergency legislation. . . .

Even Joe Soap has the intelligence to know that if the IRA campaign were to cease, then the troops would be very soon off our streets. If they were, they would neither be harassing young people nor searching houses. Check points would disappear, emergency legislation would be unnecessary. We could begin a major movement to empty our prisons, particularly of all those young people who were sucked into the terrible sectarian conflicts of the '70's. And of course we could begin the serious job of attracting inward investment aided by the enormous good will that peace would bring.

The price of their method and its costs to their own people was one of the three basic questions that I put to Sinn Fein. They did not reply except to blame the Brits. The British presence is responsible for everything. An amazing statement which absolves them from all responsibility for their own actions. Why not therefore plant a nuclear bomb and blow the whole place to bits and blame it on the Brits. That is their logic.

The strange irony of course is, as they deliberately refuse to recognise, the British position on Northern Ireland has shifted. As I have said before, if the British and Argentine Governments were to announce tomorrow that they had signed an internationally binding agreement, setting up a permanent Anglo-Argentine Conference with a permanent secretariat in Port Stanley to deal with the problem of the Falklands/Malvinas, would the whole world not regard it as a significant shift? That is what has happened here. The whole world recognised that. The Unionists recognised that. In practice this shift has meant the removal of Unionist veto on British policy, the removal of their exclusive hold on power. Ah but, say the Provos, the British are here defending their economic and strategic interests and are keeping the people of Ireland apart in order to do so. Hence our armed struggle is justified.

The British have no economic interest in Northern Ireland any more. It costs them 1½ billion pounds per year. British business can now locate anywhere in the European Community without having to rule the particular territory. In a nuclear age, what possible strategic or military advantage is there for Britain to have bases in Ireland? They had been closing them down steadily until the troubles began.

Politically, in spite of the views of individual members of their party or their Government, the official Government position, internationally binding on them, is that if the Irish people want unity and independence, then if those who want it persuade, not all, but some of those who don't, thus creating a majority in Northern Ireland, then they can have it. What sort of Irishman or republican is it who will not take up that challenge, but instead believes that guns and bombs and deaths of Irish people are necessary instruments of persuasion? I'll tell you what sort of Irishman he is, he is not a republican at all, he is a moral coward because he refuses to face the long hard slog of breaking down the barriers between the Irish people.

What sort of Irish republican is it who can ignore the fact that the methods he is using are bringing more suffering on his own people? Would any genuine Irish republican, given the starkness of the statistics I have outlined, not reconsider his whole approach and his means and method in particular? The truth is of course that their method has become more sacred than their cause. In their minds it is blood that is the essential qualification for a patriot, not sweat. Concepts are more important than people. Pieces of earth are more important than people.

The glib tongue of Danny Morrison told us about the armalite and the ballot box. The same glib tongue also let slip that their objective was not Irish freedom but "power in Ireland" with the different instruments in each hand. Earlier, in the 70's, the same tongues told the people to burn their ballot papers because those who stood for election to councils created by the British were collaborators. We don't hear that now. The same glib tongue told us that 1975 was the year of victory. Now 13 years and a lot of graves later, we are told that in the 20th year of the troops on our streets, the British will is weakening. The victims of all of that, including the young people who emotionally believe them, aided and abetted by the desperate sectarianism of the 70's, have paid with their lives or their liberty. Many of them now fill our jails.

My challenge to any of those people in Ireland, North and South, today who regard themselves as republicans is to accept the straightforward offer made to them in our talks. Lay down your arms once and for all. Join the rest of the people of Ireland in the search for ways and means of breaking down the barriers with our Protestant fellow citizens, in persuading them to join us in building a new Ireland that reflects our diversity and respects all our traditions, and in persuading the British government to commit all its resources to the same end. If they were to do so, then the atmosphere in this whole island and in the North in particular would be transformed and the nightmare of all our people would be truly at an end.

Meanwhile the Anglo-Irish Agreement remains the target of both Unionist and Provo. I never cease to be amazed when I read some of the critics, some of whom should know better. I find that they don't seem to have much understanding of what the Agreement actually is or else they simply haven't read it. The Treaty of Rome set up the European Council of Ministers to deal with the questions referred to it under the Treaty. It set up a secretariat called a Commision drawn from all countries represented in the Council to service the Council. The Council meets regularly. It has regular and open disagreements. Ministers sometimes even walk out. But nobody says that the Treaty of Rome should be scrapped or is a failure. Difficulties or failure to reach agreement is usually the responsibility of one or other of the Governments, not of the Treaty itself. Yet in spite of numerous difficulties, they plod steadily on towards their goals and now over 40 years after the Second World War who would have dreamt when the Treaty was signed that such progress could have been made?

The Anglo-Irish Conference and secretariat are modelled on the Council of Ministers and Commission. We have witnessed the same sort of hiccups, and the same slow progress. But, as with Europe, the faults lie not with the Agreement or its intentions but with one or other of the Governments who operate it. We should also remember that one of its strengths is that Governments change and some will be more active than others, yet each can make its own distinctive contributions to the building process.

These are not views that are borne of three years experience of the Agreement in operation. These are views in keeping with the strategy that this party has followed and is following for a considerable period of time. At this conference three years ago, six days before the Agreement was signed, I told this Conference and had repeated it often since that we supported the British-Irish talks then taking place because the British-Irish framework is the framework of the problem embracing all the relationships involved. I made it clear in that speech that we did not "expect a final settlement or an immediate solution" from those talks and that our yardstick for measuring their outcome would simply be whether the propos-

als in any agreement that might emerge would help us to make progress. Contrary to suggestions that we hyped the Agreement, I specifically cautioned then:

". . . as we learn from the experience of Sunningdale, even if there is an agreement, agreements of themselves don't make progress. There will be the question of its implementation. So no matter what the way ahead, agreement or no agreement, the SDLP will still face major challenges and major risks. There is no road towards peace and stability that does not contain risks. The challenge is not easy but the choice is. There is no other way."

And there is no other better peaceful way than the two Governments with all their resources working as closely as possible together. When the agreement was signed we issued the following statement:

"We are not under any illusions about the difficulties that will face us and will face both Governments. We do not believe that a final settlement of the Irish problem has been reached. We do believe that an opportunity has been created by the agreement in the setting up of a permanent Anglo-Irish institution to make progress towards our goals of peace and reconciliation. A great deal will depend on the implementation of the Agreement and on the policies, particularly in the field of justice, that emerge from the new joint institution. The SDLP will monitor that implementation very carefully. In the meantime we will give the new institution our full co-operation and ask everyone else to do likewise. It is an opportunity that can be developed if it is taken up with good will on all sides."

In both these statements it is abundantly clear that we foresaw, saw and see the Agreement through its instrument, the Conference, as a means for dealing with the problem on a regular basis and not as a solution. We also foresaw that the major area of difficulty would be the administration of justice. The past year has underlined that, in a very significant way, with a series of events that demonstrate starkly the deep gulf that exists on this question—The Stalker-Sampson Affair, Private Thaint, The McAnespie killing, Gilbraltar and its consequences in Milltown and the Andersonstown Road, the so-called broadcasting ban, the restrictions in the right to silence, the Craigavon inquests. All of these events tend to increase tension in the community, particularly when accompanied by the terrible IRA atrocities of the past 12 months.

The main burden for dealing with these issues against the background of those tensions has fallen on the shoulders of our party's spokesman of Justice and Deputy Leader Seamus Mallon. In spite of the breadth of those shoulders it has been no mean burden. To go up front for this party on any one of those issues is difficult enough, but on that whole dreadful series of events it is something else. They are controversial issues, they are emotive issues and in the present atmosphere of this society can be very divisive issues. When Seamus spoke on each and every one of those issues, let there be no doubt that he spoke for his entire party and he spoke with the strength and consistency that this party has always brought to issues of justice and order.

It has always been our view that the bedrock of peace and order, the bedrock of justice in every society, is consensus among the population on how it is governed. When that consensus exists, then justice and order follow naturally—they are our police and our courts. However, when a society is divided, as ours is, on the fundamental question of how we are governed, then questions of policing and courts become very divisive issues indeed.

The best that any political party can do in those circumstances, and it is the best, is what this party through its spokesmen has consistently done. That is to offer full and unqualified support to the police force in seeking out anyone who commits a crime. All we ask is that it be done impartially within the rule of law. Given our experience, that is hardly an unreasonble qualification.

The only final answer to those problems is therefore democratic consensus and agreement on how we live together and govern ourselves leading to total unity behind the institutions of the agreed order.

We have welcomed the many advances that the agreement has made in dealing with the symptoms of our deep-seated problem and we have listed them many times. We have also criticised not only the failures to advance but steps in the wrong direction such as the presently emerging package of so-called tough action. But through all this we keep our eyes firmly fixed on the main purpose of the agreement, which is to provide the means for dealing with the underlying deep-seated problem or disease which gives rise to all these symptoms.

It is in this area, the area of creating movement in the underling problem, that we believe the Agreement has its greatest signficance and has created real opportunities for everyone who wants a real solution. It has removed the unjust Unionist veto on British policy, it has removed their exclusive hold on power, and this time the British Government, unlike many of its predecessors, has not succumbed to blackmail.

In so standing firm, it is cutting through the vicious circle that has paralysed all political development in this country. In the past, as in 1974, when British Governments backed down before the threats, they confirmed the leadership of Unionism in the hands of the no-surrender, no-compromise brigade and reinforced the basic appeal of the IRA that the only thing the British understand is force.

This time that is not happening, and there is a new and fluid political scenario that opens up major opportunities for those who want solutions. I keep saying "Those who want solutions" because we still have too many who simply want victory for their point of view. When will they learn that they are not the people? Like ourselves they represent only a section of the people and all sections have to be involved and accommodated in any solutions.

The next stage for those interested in answers is obvious. It has to be dialogue and discussion which address the problem of our unsettled relationships. It may take time to bring it about, but since it is the essential next step, we must keep our eyes firmly fixed on it and use all resources to bring it about. Let us also keep repeating that the objective of such dialogue is not either coercion or conquest, it is simply agreement on how we share this island piece of earth.

Let us therefore call once again for a conference table. Let the main subject of discussion at that conference table be clear—how we share this island to our mutual satisfaction. Let us also agree in advance that agreement reached on this fundamental question would be an agreement that would transcend in importance any previous agreement ever made, because it would address and settle a relationship that has never been addressed and that goes right to the heart of our quarrel—the relationship between the Unionist people and the rest of the people of this island. And before we approach the conference table or agree to its agenda, let us meet to talk about the mechanisms whereby any such agreement is endorsed by the people, both North and South, so that there will be absolute reassurance before we begin that sell-outs are impossible and that all traditions will have to be respected.

Does anyone doubt that such a conference table, even though it might be in existence for a very long time, would transform the atmosphere throughout this island and release enormous energy and goodwill which would in itself make possible things which now seem impossible? And would not an agreement endorsed by the people of the North and the people of the South be a true expression of self determination that would bring us lasting peace?

The door to such a table should be open to every party with an elected mandate. In practice that means that every party sits down on the same terms, bringing nothing to the table but their own beliefs and powers of persuasion. There should be no place at this table for any party if it is either using force or reserving the right to use force if they do not get their way.

While we engage in all of this, 1992 looms. The completion of the Single Market with freedom of movement for people, goods and services, leading to the abolition of all commercial frontiers and the creation of a commercial United States of Europe with a market of 320 million people will have a much greater impact on the daily lives of the people of this island, North and South, than any of the other matters that we spend most of our time discussing in this society. Yet this party is one of the very few bodies to take it seriously and to take the necessary steps to make all our people aware of its implications and of the need to prepare. But I don't intend to dwell on it at any great length today since we have devoted special conferences and special publications to it. I wish simply to draw lessons from it about our own basic problems.

Forty-three years ago, the Second World War ended. Europe was devastated, its major cities in chaos, millions of its citizens lay dead. The bitterness between ancient foes, particularly France and Germany, was deeper than ever. Looking across that bleak landscape, if someone had stood forth and forecast the Europe of the 1980's, he would have been described at worst as a fool and at best as a dreamer. Yet it happened because leaders stepped forth and had the vision and the faith to suggest new ways. They recognised that the peoples of Western Europe, with their deep differences and distinctiveness and with their fear for their survival alongside competing cultures and peoples, had chosen the wrong path to preserve and protect their differences. They had pursued confrontation, which, led them into many bloody conflicts with those whom they distrusted. The results had been devastating for Europe as a whole.

After 1945, led by men of vision, they tried a new way. They sat down with former foes to hammer out agreed institutions which settled relationships and preserved differences. No one would have believed in 1945 that by 1992 they would be moving towards a United States of Europe, and yet the Germans are still German and the French are still French. One thing is certain. They would never have achieved it had they con-

tinued to dwell on the past and call up the ghosts of the past. That approach would have led, as it always did and as it does here, to conflict in every generation. Can we here not learn the same lesson? Can we not sit down with former foes, with those whom we distrust, and hammer out institutions which will settle our relationships and preserve our differences?

Is it too much to ask that we invest in the future for a change? For we haven't finished with our anniversaries. Very substantial ghosts of the past loom in the 300th anniversaries of 1689 and 1690—the Siege of Derry and the Battle of the Boyne. In addition to our own local quarrel, those dates were symbolic of a wider and deeper European quarrel. That quarrel has long been laid to rest in Europe. So have subsequent and more bitter ones.

The question we face is, will these anniversaries reinforce our spirit of confrontation or will we truly commemorate them as quarrels of the past by finally laying to rest our ancient quarrel?

This party is ready to play its part in that process, however long drawnout. Let us all have the self confidence and real belief in our own traditions to sit down and begin that process.

[From the Christian Science Monitor, Apr. 27, 1989]

IRELAND'S "STATESMAN OF THE TROUBLES"—JOHN HUME REDEFINES NORTHERN CONFLICT AND SETS FORTH POSSIBLE SOLUTIONS

(By T. Patrick Hill)

John Hume has an unshaken belief in the power of reasonableness.

To him, the resolution of conflict in Northern Ireland will come only by the acceptance of religious diversity—and trustful negotiations over how to "share the island."

As a founder of the Social Democratic and Labour Party, Mr. Hume projects a distinct moral vision unusual in a country torn by sectarian prejudice. Yet his view is one that has earned him grudging recognition from unionists, who favor the continued constitutional link with Britain, as well as respect from nationalists, who want some form of Irish unity.

Hume recalls that the United States Constitution was fashioned in good measure by Irish Presbyterians. They had been driven out of Ireland by religious bigotry and did not want that to happen again. So they helped draft a Constitution, the essence of which is the acceptance of diversity. "And that's my basic philosophy," Hume insisted. "The essence of unity is the acceptance of diversity," he said in a recent interview in London.

It is also the fundamental insight tragically missing in Northern Ireland, Hume believes, and one that cannot be given by outsiders, including the British. The Irish must learn it for themselves, he said.

The difference between Hume and other political leaders in the North is most evident in their definitions of the central problem. Ken Maginnis, a unionist member of Parliament, believes the overriding issue is violence, which needs to be addressed by military measures and selective internment. But Hume, appalled as he is by the North's incessant bloodshed, sees the violence as a symptom of a deeper friction.

"It's a problem of a conflict of relationships which hasn't been resolved," he explained, referring to relations between Roman Catholics and Protestants in Northern Ireland, and relations between Britain and Ireland. "But the central relationship is between Protestants and the rest of Ireland, because that's the one that has never been faced up to."

Hume prefers to speak of his political roots as his personal roots. He was born in Derry in 1937. The oldest of seven children, he cannot forget that his father, a Catholic, was unemployed for 20 years and had to struggle even to provide a two-bedroom house. At that time, Derry was a gerrymandered town where, despite a Catholic majority, unionists (Protestants) controlled jobs and housing.

But by his own reckoning, Hume was fortunate. The year he turned 11 was the first year of a state-mandated IQ test. Any child that passed this examination was entitled to free education in preparation for university entrance. It was the break Hume needed to avoid repeating his father's experience.

"I was able to pass that exam, and went on from there right through university," he said. This led to his major role in shaping the history of modern Ireland as a member of the British Parliament at Westminster and the European Parliament in Strasbourg—and to becoming what Barry White, Hume's biographer, calls a "statesman of the Troubles."

After university, Hume returned to Derry in 1960. Conditions had not changed, but attitudes had. Self-help was the order of the day, and he accepted it eagerly. With four others and £5, Hume founded a credit union among the people of the Bogside, a Catholic ghetto. "and that wiped out the loan sharks."

Today the union has 12,000 members with £5 million ($8.5 million) in assets. Hume also helped to establish a housing association to build homes for Catholics. But when local government denied permission, "We took to the streets in a civil rights movement." From there, it was just a matter of time before he became deeply involved in politics.

Hume advocates talks between unionists and the Dublin government and has outlined for unionists a new and far-reaching proposal: "Go and sort yourselves out with Dublin to your own satisfaction," he said, emphatically rejecting the inference that this would result in a Dublin takeover.

"Let the agenda be—this is very carefully phrased—how we share the island." To succeed, Hume believes it is imperative that unionists, before they begin talks, get an agreement from Dublin that any resolution has to be endorsed by majorities in both the north and south of Ireland.

"That gives absolute security to the unionist people that nobody is going to try and walk over them. But it also means that, for the first time ever, the people of Ireland as a whole will endorse how Ireland is shared and run. And that removes all justification of violence," he said.

Hume's willingness to include all citizens prompted him, despite considerable political risk, to hold controversial talks last year with the leadership of Sinn Fein, the political wing of the illegal Irish Republican Army (IRA). Hume hoped to persuade Sinn Fein to renounce violence and take up the peaceful search for a new Ireland by addressing them on three specific fronts.

The first is the price of violence. As of last November, 2,705 people had died in Northern Ireland since 1969. Of those, 62 percent were killed by the Provisional IRA and associated paramilitary groups. The IRA has killed more than twice as many Catholics—the very people they claim to defend—as the British security forces have. "Some defenders" Hume concluded.

The second front is the IRA policy of driving Britain from Northern Ireland. Is there any certainty that would result in a united, independent Ireland?

Hume is convinced that if the British leave before there is ageement between the two communities in the North, conditions not unlike those in Lebanon will occur and the gun will become the source of negotiation.

The third is the IRA's justification for the use of force. Its argument has been that the British are in the North defending their own interests by force. But Hume believes that the 1985 Anglo-Irish Agreement has signaled a significant shift in British policy.

"They have declared their neutrality," he argued, "on the cental issue that divides the people of Northern Ireland—union or [Irish] unity." That means that it is a matter of one side—those who want it—persuading those who do not, that unity is in everyone's best interest. "You can't do that by force," Hume said.

The real challenge, he believes, is to break down barriers between Catholic and Protestant citizens, persuade unionists to join nationalists in building a new Ireland, and urge the British to adopt this as their policy.

But whether it is union or unity, only a new Ireland, Hume believes, will be able to meet the challenges of the Europe of 1992.

"The completion of the single market with freedom of movement for people, goods, and services. . . . will have a much greater impact on the daily lives of the people of this island, North and South, than any of the other matters that we spend most of our time discusing," he said.

In Northern Ireland, it is unusual for political leaders to look forward in this way. Humes ability to do so has been widely recognized in Europe and the U.S. Small wonder that Kevin McNamara, shadow secretary of state for Northern Ireland, says that John Hume "stands head and shoulders above anyone else in Northern Ireland, and, I believe, in the island of Ireland."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today marks the 1,507th day of captivity for Terry Anderson in Beirut.

On March 13, 1988, the Buffalo News printed an article noting the help the Associated Press has given to Anderson's sister, Peggy Say. I ask unanimous consent that it be printed in the RECORD.

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

[From the Buffalo News, March 1988]

AP HELPS SISTER'S CRUSADE

(By Mike Vogel)

Mrs. Say has had a valuable ally in her three-year crusade, the Associated Press. Terry Anderson's employer has paid for her travel, postage and telephone calls.

"She's just an incredible person," said AP spokesman Kelly Smith Tunney, adding that Anderson's plight is "a topic of just about daily conversation here."

"The AP is pretty much a family, and everybody knew Terry or worked with him," she said.

AP President and General Manager Louis D. Boccardi, in a statement this anniversary,

called Anderson the "victim of a war he sought only to cover."

"We are deeply concerned over his continued imprisonment, and grieve with his family that he has to endure separation from friends and loved ones," he said.

"The AP has pleaded his case both officially and unofficially in many parts of the world, and we will continue to do so until his safety is assured," he added.

The three years since the abduction have been years of trial for the Batavia housewife. Afraid of flying, she nevertheless logged more than 100 flights during a high-profile effort in 1986—traveling to Athens to meet Margaret Papandreou, wife of Greek Premier Andreas Papandreou; talking to Nobel Peace Price laureate Mother Teresa in an airport in Greece; journeying to Cyprus and on to Damascus to meet Issam Hayyani, chief of the U.S. department in the Syrian Foreign Ministry; talking to Bassam Abou-Sherif of the Popular Front for the Liberation of Palestine in efforts to win her brother's freedom.

Her father, Glenn Anderson, died in February 1986, and her brother, Glenn Jr., also known as Rich, died in June, both from cancer. She still works under the assumption that Terry—whose immediate family, including a 2-year-old daughter born while he was in captivity and remains in Cyprus—doesn't know his father and brother are dead.

For 1987, Mrs. Say decided to keep a low profile and heed State Department advice that quiet diplomacy works best. That failed—and 1988 has brought a return to a public campaign to win recognition of the hostages' plight and deliver what she terms "a reminder to the world that no American will stand by in silence while the human rights of any American are violated."

She has publicly decried the "double standard" that led her government to negotiate to free Americans held hostage in the hijacking of a TWA jetliner and the cruise ship Achille Lauro, and to win the release of journalist Nicholas Daniloff, who was arrested by the Soviets.

When the State Department continued to tell her "that their policy was absolute non-negotiations for Terry and the others," she said, "I reminded them that they had told me that before TWA and I watched and I watched those negotiations. And then they got back to me and said, now we're back to our old policy, no negotiations."

"I watched Achille Lauro and I watched Nick Daniloff, and I said to them a couple of months ago, 'I do not intend to stand by again and watch you break that public policy when it is politically expedient for you to do so, I will not stand by and watch somebody else come out while my brother stays behind.'"

Relations with the State Department were further strained when accusations of arms-for-hostages trading with Iran were raised last year. Reports also surfaced that President Reagan's sympathy for the hostage families, and the cause most vocally expressed by Peggy Say, may have been a factor in pursuing the trade possibilities.

CONTRA SCANDAL HURT CAUSE

The families, who had dealt closely with Lt. Col. Oliver North and other Reagan administration officials embroiled in the Iran-contra scandal, suddenly found themselves held at arm's length.

"We never got much information from the State Department, but now we get next to nothing," said Mrs. Say, who maintains contact with a State Department liaison officer nonetheless and is still a frequent Washington visitor.

In Washington, State Department spokesmen said no new information about Anderson has been received. A counterterrorism bureau worker noted that Secretary of State George Shultz recently reaffirmed the department's "no deals" policy, expressing sympathy to the families but arguing that ransoms, trades or prisoner exchanges would "simply encourage more terrorism."

She enters the third year of her brother's captivity and her campaign with "a determination to keep the issue alive, and continue to pursue what avenues are open to us," Mrs. Say vowed. "And to continue to believe that Terry will be home some day."

That day could be hastened by U.S. action, former hostage Jacobsen argued.

The secrecy and isolation imposed on Anderson and the other hostages stems from their captors' fears that they will be identified and captured by either the CIA or the anti-terrorist "Delta Force," he said.

People in Lebanon know where they are," said Jacobsen, who believes a reward program like those offered in several other cases could help. "It's inconceivable to me that very many people in Beirut don't know where they are. At one time, Terry and I calculated that at least 200 people had to know, considering the changing guards and their families and what we could hear of comings and goings."

"I don't think he's ever been out of the southern suburbs of West Beirut, rumors to the contrary, I think a reward system would bring out a lot of information."

Jacobsen also thinks the government should pick up on another hint—Terry Anderson's own claim, in a videotape released this Christmas Eve, that an improvement in the hostages' condition would follow any improvement in the lot of terrorist prisoners held in Kuwait, whose release has been demanded as a condition of Anderson's freedom.

Explaining that a human rights organization easily could videotape the Kuwaiti prisoners and release the tape to Beirut television, Jacobsen added that "Terry came across very strongly on that point, and yet nothing has been done."

"I just can't understand why the bureaucrats haven't taken advantage of this window of opportunity."

The U.S. government did act quickly when an American Army officer, Lt. Col. William Higgins, was kidnapped Feb. 17 while serving as the commander of a United Nations observer team on the Lebanese border. While roadblocks and searches have so far proved fruitless, Mrs. Say still hopes the intense effort for Higgins will uncover information about her brother as well.

"Any time we've had hope, it's been attached to something else," she said.

Mrs. Say also has pressed the State Department to find out from other governments what steps were taken to win the recent releases of German, Norwegian, Swiss and British captives, "but they never seem to have much information on it."

Meanwhile, she continues to work on her campaign for public involvement in the cause. During the past few days she has tried too to sandwich in at least a dinner to mark her 10th wedding anniversary and her husband's birthday, despite a schedule that included a speaking engagement in Albany with Father Jenco and last-minute work on the Washington rally.

"It's getting so intense, the last week or so—the telephone is just totally out of control, and by the end of the day you're just ready to pull your hair out and say 'I've got to get away from this,'" she sighed.

"But at the same time, there's real encouragement. I think there's been a real changing of attitudes. I think the three years has really shocked people into taking a good look at this."

She has asked both Father Jenco and Jacobsen to come to Batavia soon "to give people a better idea of what it's like over there," and remains grateful for Jacobsen's efforts to persuade thousands of Americans to send Valentines to Anderson last month.

She has no homecoming plans, for Terry.

"There was a time I did," she sighs, "but since Dad and Rich died, that puts a whole different slant on it. As far as we're aware, Terry doesn't know about that—now what would have been just total celebration will have to include telling him these things."

Jacobsen hopes that, at the very least, American concerns and "a little more creativity in trying to resolve this issue" by government officials could at least improve the hostages' lot in captivity—winning, perhaps, the simple chance to exchange letters with their families.

Meanwhile, the struggle continues. Americans sent between 10,000 and 20,000 Valentines to the hostages last month, and there's hope the men at least learned of the effort.

If they did, he added, "that gave them hope—and hope is the nourishment of survival."

COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. MITCHELL. Mr. President, the following request has been cleared with the distinguished Republican leader. I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 50, which provides for the use of the rotunda of the Capitol for the Holocaust remembrance activities of Tuesday, May 2, from 8 a.m. until 3 p.m.

The PRESIDENT pro tempore. The clerk will read the title of the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 50) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

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

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 50) was considered and agreed to.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

RECESS

Mr. GORE. Mr. President, I ask unanimous consent that the Senate stand in recess at this point until the hour of 2 p.m.

There being no objection, the Senate, at 1:30 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

FUNDING FOR MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

The PRESIDING OFFICER. Under the previous order, the Senate will now consider S. 431. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 431) to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

The Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is consideration of S. 431.

Mr. NUNN. Mr. President, today we consider legislation to continue the initiative we took in 1983 when Congress authorized a Federal holiday to recognize the life, the work, and the legacy of Dr. Martin Luther King, Jr.

During consideration of the original Martin Luther King holiday legislation, some Senators expressed concern that for all the noble rhetoric about Dr. King's legacy, all we were doing, in fact, was to create another 3-day weekend for Federal employees.

Congress addressed that concern clearly, nearly 2 years prior to the first King holiday celebration, by creating the Martin Luther King Federal Holiday Commission.

In the 1984 legislation creating the Commission, and in the 3-year extension we enacted in 1986, the Commission was given two specific congressional mandates: No. 1, to encourage appropriate ceremonies and activities throughout the United States relating to the observation of the Federal holiday honoring Martin Luther King, Jr. And, No. 2, to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observation of such a holiday.

In other words, we gave the Commission a dual mission: To make the Martin Luther King holiday a truly national event and, then, to act as a coordinator and clearinghouse on appropriate activities once the holiday did become widely recognized.

The Commission has performed its first task exceptionally well. When it first opened its doors in 1985, only 17 States recognized the Martin Luther King holiday. Forty-four States recognized the 4th annual holiday on January 16, 1989, and now a 45th State, South Dakota, has signed on. In addition, all U.S. territories recognized the holiday, and in an unexpected development, 140 nations around the globe make some gesture of recognition on the King Federal holiday.

The life of the Commission needs to be extended because its success in fulfilling its first legislative mandate has tremendously increased its responsibilities under the second: That of providing advice and assistance to the literally thousands of public and private organizations that want to participate in the Martin Luther King holiday activities which, by necessity, means helping to coordinate these activities with information on a national basis.

A few examples: Between the 1988 and 1989 Martin Luther King holidays, the Commission staff responded to an estimated 6,000 direct inquiries about holiday activities, 1,000 of them in the form of personal visits to the Washington and Atlanta offices of the Commission; distributed at least 225,000 pieces of printed material related to the 1989 Martin Luther King holiday; provided at least some technical assistance to public and private organizations in all 50 States and every U.S. territory.

The Commission itself sponsored, among other events, its annual planning conference, the centerpiece of its efforts, to make sure the thousands of separate holiday activities around the country are consistent with the congressionally established purpose of the holiday and are coordinated around a general theme.

It sponsored a conference on how Martin Luther King holiday can be reflected in public school materials, which followed up a highly successful 1986 conference hosted by then Education Secretary William Bennett; a national youth assembly that focused on how Dr. King's legacy can help promote self-reliance, community service, and active youth involvement in the fight against drug abuse and violent crime.

Those are just a few examples of what the Commission did between the 1988 and 1989 holidays to help make each more than just a 3-day weekend for Federal employees.

Mr. President, it seems to me that if we meant what we said in 1983 about making the Martin Luther King Federal holiday a meaningful event; and if we mean what we said in 1984 in creating this Commission and giving it these two interrelated responsibilities, then extending the Commission for another 5 years is a sensible course of action. Aside from extending the Commission's authorization for another 5 years to continue its unfinished work, S. 431 would provide the Commission with an annual appropriation of $300,000 to fulfill the responsibilities we have placed on it.

There is ample precedent for making a small appropriation to support the work of Federal commissions created for commemorative purposes. For example, in 1984 the Congress created a Christopher Columbus Quincentenary Jubilee Commission and authorized the appropriation of $220,000 annually to support its work until 1992.

Back in 1955, Congress established and funded a Commission to formulate plans for a memorial to Franklin D. Roosevelt, and as we know, Congress continues to make a small appropriation for that purpose today.

To cite just one more example, in 1983 we created and funded a Commission on the Bicentennial of the U.S. Constitution. That was legislation originally introduced in 1980 and in 1981 by my distinguished colleague from North Carolina, Senator HELMS. Over a 3-year period leading up to the Constitution bicentennial celebration, we appropriated more than $46 million for that Commission, and it has now been extended through 1991 to help commemorate the bicentennial of the Bill of Rights. I might add, I approve very heartedly of both those Commissions.

Actually, the really unusual thing about the Martin Luther King Federal Holiday Commission is that it has managed to operate under a Federal mandate for 4 years without a direct Federal appropriation. The Commission is required by law to conduct the enormous job of coordination and responding to requests for information I have outlined. It is authorized by Congress to hire a staff. It is authorized to follow the universal custom of offering Commission members, who serve without compensation, reasonable reimbursement for travel expenses—though, in fact, most Commissioners have simply paid for that from their own pockets.

Though no direct appropriations were made for the Commission in the original legislation or the 1986 extension, Congress did authorize some Federal expenditures by authorizing other Federal agencies to lend staff to the Commission on detail, and that is how the Commission has managed to conduct its work in such an effective fashion. In other words, there has been no direct appropriation and there has been in kind help from staff from other Federal agencies.

I see no reason why we should punish the Commission now for its willingness to do without an appropriation in the past. S. 431 would let the Commission hire at least a small permanent staff, reimburse Commission members for authorized travel, and spend less time trying to raise money privately. It is a Federal Commission, conducting important Federal business, and I think that we should offset the cost of the Commission.

The message spread by this Commission in all its activities is Dr. King's legacy of nonviolence, self-reliance, respect for human dignity, and peaceful reconciliation of disputes. I think that message is worth $300,000 a year. In fact, far more. The question some would ask is: Do we need it in this country today?

It should be noted that the State of New York authorized $783,344 for its State-level Martin Luther King holiday commission in the current fiscal year, and another $771,292 for the next fiscal year. That is more than 2½ times in New York what we are asking for here for the whole of the country.

But even if we had no benchmark to go by, this is a very small authorization for a very important purpose.

We spend billions upon billions of tax dollars each year combating the causes and effects of violence and discrimination.

One example of particular relevance to Dr. King's legacy: The continued occurence of "hate crimes," acts of violence against individuals and institutions motivated by considerations of race, religion, or national origin. Far too many of those events still take place in our Nation today.

According to the Center for Democratic Renewal in Atlanta, there were nearly 3,000 documented incidents of hate crimes in this country between 1980 and 1986. Another estimate indicates that 90 percent of these acts of violence are committed by people under the age of 21—our youngest members of society.

Let me cite just two examples that occurred within a single week in November 1988:

In Portland, OR, three members of a youth gang called East Side White Pride beat an Ethiopian immigrant to death with baseball bats.

Five days later, white supremacists destroyed by fire a black church in Rockford, IL—for the second time.

Although this has not necessarily been completely investigated and you certainly cannot say the cause of this now is a simple cause, but I think all of us have read with regret about a young woman who lies in a coma in New York City today as a result of a brutal, unprovoked attack by a gang of young people in Central Park on April 19. The motivation for that attack, of course, is something we will find out as time goes on.

The point is there have been thousands of incidents of this nature in recent years. If the message of nonviolence, tolerance, and moral values taught by Dr. King can prevent just one such act in the future, then in my opinion it is worth the effort being made with this holiday and with the Commission and with all the effort people are making at the King Nonviolent Center in Atlanta to impress on our young people and, indeed, all the young people of this Nation the importance of eliminating racial hate, eliminating discrimination from our land.

I am particularly impressed with the work done by the Martin Luther King Holiday Commission in working with schools, to teach children with no personal memory of Dr. King the values he lived, fought, and died for.

Most Senators have probably at one time or another seen a television commercial or poster featuring an animated bloodhound called Officer McGruff who presents tips on fighting crime, aimed especially at a younger audience, under the slogan, "Take a Bite Out of Crime." In many schools, police officers volunteer to dress up as Officer McGruff and speak to children about the nature of crime.

The Federal Government alone is spending more than $2 million a year in the Officer McGruff promotion. I believe that money well spent, mind you, and the much smaller figure we authorize to spread Dr. King's message to children and parents alike will be money well spent also.

In summary, Mr. President, S. 431 is nothing more than a logical step to continue the historic action we took in 1983 to honor Dr. King and his legacy. As you know, President Bush has committed the administration to support of S. 431, and the House has already passed H.R. 1385, a similar measure. The House bill is permanent. This bill is a 5-year bill. The House bill has $500,000 a year. This bill has $300,000 a year. So we are not making it permanent in this legislation, but we are giving the Commission a clear mandate for the next 5 years to continue its important work.

It is clear that the action we took to honor Martin Luther King, Jr., has achieved very broad public acceptance, both in this country and around the world.

In 1983, some Members of Congress were concerned that a Federal holiday honoring Dr. King would not be recognized beyond the jurisdiction of the Federal Government. Forty-five States now recognize the holiday, along with 140 foreign countries, and countless public and private organizations are involved all over America.

In 1983, Members of Congress feared the holiday would be simply a black event, without participation from broad elements of the population. Today, of course, the Martin Luther King holiday probably secures broader participation in commemorative activities than any other secular event other than Independence Day or perhaps Memorial Day.

Many concerns about the Martin Luther King holiday have been laid to rest.

As we consider this bill today and tomorrow, we must recognize that the fundamental question about Dr. King has already been answered in this Nation and throughout the world: Was Dr. King right or wrong in challenging racial discrimination in this country during the 1950's and 1960's?

Clearly he was right, and the fact that he was controversial at the time is simply additional evidence of his courage and his fortitude.

He was right when he demanded equal opportunity and equal rights of citizenship for all God's children.

He was right when he preached and taught by his example that love would overcome hate and that the good will of a majority of Americans would overcome the bigotry of a minority.

He was right when he claimed the principles on which this Republic was founded as the charter for the civil rights movement.

Because he was right, the message of Martin Luther King has now become a vindication of the American ideals he believed in, and a strong answer to Marxist dogma and Communist propaganda.

After all, Dr. King helped to eliminate one of the most powerful instruments of propaganda America's enemies have ever possessed—the suggestion that America was unjust, the suggestion that America was bigoted, and the suggestion that democracy was simply a bad joke for millions of Americans because of the color of their skin. Dr. King's life, his example and the results following from that example have virtually eliminated that tool in the hands of the Marxists around the world.

For many years those charges about America threatened our foreign policy and even our national security, especially in the Third World where Communists broadcast every single instrument of racial injustice in our country.

This does not mean we have done away with all of those instruments. We no longer have any question about the law and where our Government and our people stand on this question in America.

Thanks in no small part to Dr. King we have overcome those charges and today more than ever before America's ideals are respected and emulated around the world.

Dr. King's work and message are today understood as an important part of the intellectual and moral arsenal of America. Last September 19, then Secretary of State George Shultz told a gathering of 130 ambassadors:

> Effective diplomacy today needs the inspiration of a moral vision—a vision of a world where prosperity is commonplace, conflict an aberration, and democracy and human dignity a way of life. No American articulated that vision more forcefully than Martin Luther King, Jr.

Mr. President, I urge speedy passage of S. 431. I believe that we can in this legislation help to keep Dr. King's dream alive which, after all, is now the American dream.

Mr. President, I yield the floor.

Mr. RIEGLE. Mr. President, I commend the Senator from Georgia for his leadership on this issue. I rise in support and as a cosponsor of this legislation.

I recall being among the several thousand mourners at the funeral service of Dr. Martin Luther King in Atlanta, GA, many years ago. I remember vividly the scene as literally thousands of mourners attempted to crowd into the Ebenezer Baptist Church to pay their respects to Dr. King, his memory, his life's work and his family. Then, the long walk that ensued afterward as many of us walked together from the site of the church service to the burial site some distance away. On that day, black and white people, brown people, people of all colors, all backgrounds and ethnic heritages were there to express an outpouring of national feeling about the tremendous loss that we had experienced under the most tragic circumstances. It is so important that we continue to not only mark his life and his life's work with our national holiday, but also, with appropriate commemorative activities to help us make the rest of the journey.

We are not a perfect nation. We strive to meet an ideal and a standard in our founding documents that is beyond what has ever been contemplated or attempted by a modern nation. We are not quite there, and so, as we strive to try to achieve the highest ideals of our thinking and of our hearts, this kind of emphasis and work is essential. I commend the Senator for it.

Mr. NUNN. I thank the Senator from Michigan for his kind comments about Dr. King and his memories of the funeral and the inspiration he took from the life of Dr. King.

Mr. President, I ask unanimous consent that the names of the Senator from Nevada [Mr. REID], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oregon [Mr. HATFIELD], the Senator from Maine [Mr. COHEN], the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. SASSER], and the Senator from Oklahoma [Mr. BOREN], be added as cosponsors of S. 431, a bill to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

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

Mr. NUNN. Mr. President, I yield the floor.

Mr. COATS. Mr. President, Eric Hoffer once wrote, "How frighteningly few are the persons whose death would spoil our appetite and make the world seem empty."

Dr. Martin Luther King was such a man—and he remains so today, 21 years after being so savagely snatched from among us.

He was a man of vision, committed to ideals of freedom and equality that still demand our vigilance. He was a man who dared to believe in Christian principles and national precepts when racial violence and inhumanity threatened to rend our social fabric.

President Reagan said of Dr. King that America will remember him "as a drum major for justice, as a giant whose life was far from being in vain." And so it is fitting that we keep his dream alive, remembering even now how far we have to go. It is my hope that we continue to reflect on Dr. King's life, renewed in our pledge to seek dignity, compassion, and equality for all people.

This legislation before us today will help ensure that dream is kept alive. By extending the Federal Holiday Commission we will have yet another opportunity to bring individuals from all races, religions, and backgrounds together, to reflect on both his dream and its fulfillment.

I am pleased to be a cosponsor of this legislation, and I urge my colleagues to support its swift passage.

Mr. HELMS. Mr. President, I hope we can travel a fairly narrow corridor in the consideration of this bill. I have no illusions about what could perhaps be called the loneliness of my position in opposition to the bill. I would say at the outset that I have enormous respect for those who disagree with me. But I think the Senate ought to consider the precedent that it is setting.

Furthermore—and I will expand on these remarks a little later—the flat guarantee was made on the floor of this Senate and now in the House of Representatives by distinguished Senators and Representatives when this Commission was first established by Congress that there would never be one dime of Federal funds spent for the operation of the Commission. Those statements were unequivocal. They were flat out. And I am sure that each Senator and each Representative who made such a statement was convinced in his own mind that was right.

So here we come now for a renewal of the Commission to extend it for 5 years, and for 5 years according to the House version, the taxpayers of the country will be required to furnish $500,000 a year. The Senate version offered by the distinguished Senator from Georgia [Mr. NUNN] stipulates $300,000. So we have $1½ million versus $2½ million. That is just the beginning. Let us not mislead ourselves. The action that will be taken on this bill will in fact be a permanent action.

No such Commission, certainly none financed permanently by the Federal Government, has ever been established with relationship to any other regular holiday—not George Washington, not Abraham Lincoln, not anybody else.

The King Center for Nonviolent Social Change receives from private contributions an estimated $20 to $30 million per year. I do not understand why any of the taxpayers' money ought to be used to finance this Commission, particularly when so much cash is rolling in from private donors.

I commend those who contribute to any organization in which they believe but I do not believe that the taxpayers of the United States ought to be required against their will in so many cases to furnish money in any amount for this or any other commission.

I said at the outset that I hope the debate will travel a narrow corridor. I do not propose to get into any of the details about the life of Dr. King. Those who believe him to have been virtually a saint are entitled to their beliefs. I am obliged to say however that this Senator fails to understand why, if Dr. King had such an unblemished career, the records on his career have been sealed by court order until after the turn of the century. Included in those files is information collected on the order of the then Attorney General of the United States, the distinguished Robert Kennedy, who in his capacity as Attorney General ordered electronic surveillance of Dr. King and his activities.

I bear no animosity whatsoever toward Mrs. King or any member of the family or anyone. But I fail to understand, and so do many other Americans, why it can be justified to prevent the American people or even the Congress from knowing what is in those files or in the files of any Senator or Representative who has been convicted in a court. And I will confess that I think it is about time that we all learn

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the details of the tragic assassination of President Kennedy in 1963. I do not understand why the American people are not entitled to know the facts about the people who are in positions of leadership or who before their deaths were in positions of leadership.

I am going to have several amendments on which I will ask the Senate to vote. I harbor no illusions about the success of the amendments, but I think each of them, as we proceed, will be matters on which the Senate ought to take a stand. I will not elaborate upon the amendments at this time, but I will say that they have been carefully drafted by distinguished constitutional lawyers who have been good enough to assist me in trying to create this narrow corridor of debate which I hope the Senate will consider. But whether I win or whether I lose is not important. I will have satisfied my own conscience about what I believe to be right and what I believe to be wrong.

In that connection, Mr. President, I have written to the General Accounting Office on the question of assessment of this legislation, and I also wrote, on April 17, to the distinguished chairman of the Senate Judiciary Committee, Mr. BIDEN, about this legislation. I think it is interesting to contemplate what really is at issue here. And I think I can best do that by reading the letter that I wrote to Senator BIDEN in his capacity as chairman of the Senate Judiciary Committee.

I said:

DEAR JOE: We have each received a copy of the 1988 Annual Report of the Martin Luther King Federal Holiday Commission, a copy of which is enclosed for your ready reference. We are concerned about the nature and extent of some of the activities and programs of the Commission, described in this Annual Report, which go far beyond the stated purposes for which the Commission was established.

For example, the Annual Report describes the Commission's national college student conference in Atlanta as follows: "The students learned how to bring protest campaigns through the stages of information, education, personal committment [sic] and purification, negotiation, direct action, reconciliation, and gained fundamental skills which allowed them to return to their campuses and effectively deal with injustices. The Conference also encouraged students to register and vote."

According to the Annual Report, the Commission already receives significant support from federal funds. All of the Commission's employees, except the Executive Director, are provided on a non-reimbursable basis from federal agencies. For the three-year period ending 28 February 1988, the stated value of these services was $1,312,000 in the Washington office and $307,000 in the Atlanta office. (This does not include office space, furniture, and equipment. also donated on a non-reimbursable basis by federal agencies.)

We believe that before Congress commits further tax funds to the Commission, hearings should be held to ensure that the activities of the Commission are consistent with the purpose for which the Commission was established. Also there should be an analysis of what is being spent, or not spent, in connection with holidays honoring George Washington, Abraham Lincoln, et al.

Sincerely,

JESSE HELMS.

So, Mr. President, that, as far as I am concerned, is the scope of what the debate should be on this issue. I do not propose to get into an assessment of Martin Luther King's life or his career. Others have done that today. Others will do it later. But I reiterate, just for the purpose of emphasis, if all that is said on this floor, has been said in the past, and will be said in the future, is correct, why are the American people denied the opportunity to know what is in the report which was ordered by the then Attorney General of the United States, Mr. Robert Kennedy?

But we will proceed and see how it comes out. I will withhold further comment until I hear something further in debate, and I will begin with the amendments, which I have discussed with the distinguished leadership, the majority leader, Mr. MITCHELL; the minority leader, Mr. DOLE; and the chief sponsor of the pending bill, Mr. NUNN.

Thank you, Mr. President, for the time, and I will yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I support S. 431, to support the Martin Luther King, Jr., Federal Holiday Commission Act, because I believe that the annual holiday commemorating Dr. King's work is very significant. The holiday has shown great national and international interest in the first 3 years of its existence. The modest funding proposed in the bill is necessary, in order to publicize the holiday and give support, so that it may be expanded in this country.

Mr. President, I had the opportunity to know Dr. King, not in depth, but to some extent, on his visits to Philadelphia in the mid-1960's. When the question is raised about knowing the facts, I cannot testify as to all of Dr. King's life, but I can testify to his presence in a big American city in the mid-sixties, and to the very positive aspect which he had for the maintenance of peace and tranquillity, law and order, and justice in the city of Philadelphia.

The mid-sixties were very troublesome times, when riots occurred in many American cities, in Pittsburgh, Detroit, Newark, and Los Angeles, peace was maintained in Philadelphia, and I think in significant part to the activities of Dr. Martin Luther King, and others, who carried forward some of his important messages.

Mr. President, there are many days which signify commemoratives for various groups in our country: St. Patrick's Day, Columbus Day, Pulaski Day, where in Philadelphia, for example, the parades come down the parkway.

We have Independence Hall in the city of Philadelphia. I drove past it yesterday, a very different day from the one on September 17, 1987, when President Reagan appeared at Independence Hall to commemorate the 200th anniversary of the Constitution, or the insignia where Abraham Lincoln stood in 1863 or the place where President John F. Kennedy stood on July 4, 1962. It is a monument of national and international importance. As previously outlined, some $46 million was spent to commemorate the bicentennial of the United States of America, and I think that is money well spent.

The role of Dr. King's holiday, Mr. President, I think, has real significance, because of his principles of nonviolence, peaceful resolution of disputes. Dr. King had a vision, a vision for America, a vision of equality, a vision of opportunity, a vision of achievement, which I think has real significance in the day-to-day living of many people in the big cities and in the small towns of the United States.

Dr. King provided a role model and motivation. In an era when we are trying to lead, especially the young people, away from a life of drugs, a life of crime, a life of violence, it is a small cost to pay, some $300,000 a year, to promote the observance of Dr. Martin Luther King Day around this country and around this world.

Mr. President, I have the opportunity to serve on the board of directors of the Martin Luther King, Jr., Association for Nonviolence of Philadephia, and I have seen Dr. King's memorial day grow from 1986 to 1987 to 1988. I can recall my own activities years ago as district attorney of Philadelphia, where we had a variety of programs to establish role models for motivation, for many in that city; and to have a holiday for Dr. King has a very, very important purpose and a very, very important objective, and that is why I rise to support this important bill at this time.

With the enactment in 1983 of the Federal law to designate as a legal holiday the birthday of Martin Luther King, Jr., and the first observance of the holiday in 1986, our Nation has been enriched through its recognition of this great American leader. In 1984, Congress also established the Federal Holiday Commission which provides advice and assistance to Federal, State, and local governments and private organizations involved in activities to recognize the legal holiday.

Since 1984, the Commission has performed a vital service to ensure that public and private institutions and or-

ganizations properly honor the work and teachings of Dr. King. By providing literature, speakers, and direct program assistance, the Commission has coordinated appropriate commemorative events in the 50 States and territories, at all United States installations, and in more than 140 nations throughout the world.

As a member of the board of the Martin Luther King, Jr., Association for Nonviolence, Inc. of Philadelphia, PA, I am personally familiar with the importance of the activities provided by the Commission. The Martin Luther King, Jr., Association for Nonviolence, Inc., annually sponsors and cosponsors activities throughout the month of January commemorating the life and work of Dr. King. These programs include citywide youth celebrations and workshops, public affairs, and a gala luncheon honoring people who have demonstrated a commitment to change through nonviolence. This organization also organizes the traditional Philadelphia celebration, the symbolic ringing of the Liberty Bell on the holiday which triggers bell-ringing throughout the United States and by Big Ben in England.

Mr. President, I have long supported the importance of establishing a Federal legal holiday to honor the memory of Dr. King, as well as the need for a Commission to carry out appropriate activities. In 1983, I was an original sponsor of legislation to establish the holiday, and in 1984 I supported legislative efforts to establish the Commission. S. 431, the Martin Luther King, Jr., Federal Holiday Commission Act extends the Commission for 5 years and authorizes an annual appropriation of $300,000. The Commission has been operating through fund-raising activities and resources provided by Federal agencies. Federal appropriations will enable the Commission to hire full-time staff and provide travel expenses to individual Commissioners.

Accordingly, I urge my colleagues to support this legislation to fulfill this important congressional mandate to honor the work of Martin Luther King, Jr.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I am delighted to join my distinguished colleague, Senator SAM NUNN, of Georgia, in sponsoring S. 431.

In North Carolina, I think we can be proud of our history in the early 1960's when we confronted candidly, honestly, and courageously, the need to end racial segregation in our society. We all knew that prejudice and discrimination were a drag on our economy. We all knew that it was un-Christian and undemocratic and unfair.

We struggled with these emotional forces, with our understandable ties to tradition, with our still bitter resentment of the treatment of the South in the years of so-called Reconstruction after our defeat in the Civil War.

We overcame all of these resentments and hostilities and obstacles and did our part to make American society what it ought to be. Of course we must be concerned and compassionate for the least of our citizens. Of course we need to be concerned that in this great Nation the chance of birth, whether burdened by race or poverty, must not be a bar to the full opportunities of the great American dream.

I remember that in 1960 Dr. Martin Luther King called a student conference at Shaw University in Raleigh, NC. More than 200 students gathered on the Shaw campus, as they were gathering on similar campuses, holding workshops in humid classrooms, planning and pledging themselves to action, but also to nonviolence. "This is no fad. This is it," they declared. "We're trying to eradicate the whole system of being inferior."

Individual liberty, democracy, the very soul of America was at stake, and in North Carolina I think we won. I think we led the way. I think we have continued to lead the way in an understanding of the frustrations and the needs of black citizens who so long were denied enjoyment of the fullness of America.

The issue before the Senate is the observance of a holiday bearing the name of Martin Luther King. This is not intended, it seems to me, to be a tribute to an individual. Rather, Martin Luther King is a symbol, a concept, a concept of breaking out of the prison of segregation, an entry into the freshness and hope of America. Had the chance of history been different, had Martin Luther King not been assassinated, there nevertheless would have been declared such a holiday. No doubt Dr. King would have been in the forefront seeking a day to recognize and honor the freedom of black Americans. It is that symbol, that hope, that spirit, that soul, we celebrate. It is not who he was, but what he meant. And indeed, the holiday might well have been called "Martin Luther King and Tens of Thousands of Black Americans Who Struggled and Suffered for Freedom." Those are the people we honor.

I do not want to see our sensitivity tarnished by belittling this great movement that has been in the best interest of America.

It is a time for moving forward, a time for acknowledgement of brotherhood, a time for working together. This is not a time to inflame the passions of old. It is a time to perfect the American spirit.

Martin Luther King Day is of tremendous importance for every black citizen in America. I suggest that it is of tremendous importance for all Americans. It marks a remarkable period in American history. It recognizes not at all one individual. It recognizes individual freedom.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I also join in cosponsoring and urging the adoption of S. 431.

Two decades ago this spring, the forces of hatred gunned down the Reverend Martin Luther King, Jr. Nothing we can say or do can bring him back, even though our country needs leaders like him today perhaps more than ever. But, Mr. President, there are many things we can do to keep his dream alive. We can start right now by extending the Martin Luther King, Jr., Federal Holiday Commission.

Congress set up the Commission in 1984 to encourage more Americans to commemorate Dr. King's birthday. At that time, only 19 States had declared that day a holiday. Now 44 States do so, including Tennessee. The celebration has also spread to a hundred other countries.

Yet the King Commission's work has just begun. It is also active in voter registration, inner-city development, youth counseling, and the war on drugs and drug-related crime.

Dr. King left us to carry on a great struggle. As a nation, we are still divided—rich and poor; young and old; black, white, Hispanic, Asian, and otherwise. The gap between rich and poor is wider than ever. The barriers to economic opportunity and social progress are as high as ever. We are coming to the end of a decade in which the only civil rights movement was backward.

Yet in truth we are still one country, North, South, East, and West. Whatever our race or origin, we are one people, with the same rights and the same dreams and the same destiny. And we must stick together.

Let us be done with the politics of race in this country and emphasize once again the politics of results.

I was in Memphis the summer after Dr. King was murdered, and I will never forget the pain we shared. He had come to help striking sanitation workers win a contract from the city. Every April, my good friend Rev. James E. Smith leads the people of Memphis in a march to honor the man who gave his life to expand our understanding of the meaning of justice and strengthen our commitment to it. We carry on that march because we share that dream.

Martin Luther King, Jr., dreamed that one day every child in America would grow up free from prejudice, free from want, and free to build a better life. It is time in 1989 to fulfill the dream that was deferred in 1968.

The Martin Luther King, Jr., Commission is a living tribute to the principles for which he stood and fought, to his legacy, carrying on the fight for

freedom which he led. I urge my colleagues to support this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise in support of S. 431, which I, too, am pleased to cosponsor.

My distinguished colleagues who have preceeded me on the floor this afternoon have eloquently stated the case for passage of the bill as introduced with the full appropriation.

In these times of limited resources, it is not only appropriate, it is necessary, for us to examine every proposed expenditure.

But in making that examination, we cannot lose sight of the ideals that made our Nation what it is today.

Without question, the principles of racial equality and nonviolent social change that Dr. Martin Luther King, Jr., taught us have become a part of the fabric of our national character.

Just as it is important for our Nation to set aside time to reflect on Dr. King's life, it is also important to make sure that future generations of Americans, and people throughout the world, are aware of the importance of his principles and his teachings to our country.

Since 1986, the Martin Luther King, Jr. Federal Holiday Commission has helped this Nation's youth learn the importance of Dr. King's teachings: of achievement at school, of service to others, and of living in harmony and justice in a global community.

The Commission has taken that message to over 140 nations around the world as well, giving us hope that Dr. King's vision of peace and justice throughout the world will one day be realized.

Mr. President, I hope my colleagues will join with me in recognizing the value of the Commission's work to our national character, and will vote to pass S. 431.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I welcome the opportunity to join with my friends and colleagues here on the floor of the Senate and to urge the successful passage of this legislation, which I believe will ensure that this Nation, to the extent that we possibly can, will focus our national attention, for 1 day of 365 days, to think about the life and the work of a very distinguished minister of the church and a nobel laureate, Martin Luther King, Jr.

I was here, Mr. President, on this floor, as a matter of fact, the prime sponsor of the Martin Luther King holiday. I knew the months and the years that it took for us to have that day designated as a day of remembrance for a very extraordinary individual, a very extraordinary human being.

We faced filibusters in the Judiciary Committee. We faced filibusters out here on the floor of the U.S. Senate. There were those that said we should not take those few hours every year to try and focus on the contributions to the cause of liberty and freedom in this Nation and the nonviolent approach to many of the challenges that we were facing here. They said that we should not take that time, that this man was not deserving, nor the teachings that he made should be thought about and recognized.

Well, I, too, had the opportunity to know Dr. King in the late 1950's and in the early 1960's. I had the opportunity to experience that extraordinary moment when Dr. Martin Luther King spoke to the Nation from the Lincoln Memorial and some quarter of a million people, young and old, black and white, native Americans, every dimension of our American society and people from around the world, listened to his absolutely extraordinary challenge to our Nation. And what a challenge it was, Mr. President.

As a member of the Bicentennial Commission we just had our meetings in New York this past week and I had the opportunity to attend. And there we have as part of the membership former Chief Justice Warren Burger and others skilled in the law and history of our Nation.

Once again I was reminded of the fact that this Nation failed to come to grips with the extraordinary issue of slavery at the time that the initial States ratified the Constitution of the United States. That was a judgment, that was a choice, that was a decision, that was a compromise that was reached by our Founding Fathers. But it was reached.

And we recognize that that magnificent document, which is the greatest manifestation of individual rights and liberties and the balances between the various elements of Government, as magnificent as it is, failed on that important issue. And in any examination of the debates that took place by the various States, we review those and find that those ratification conferences in so many instances were decided by a handful of votes. And I think historians appropriately point out that should there have been a change in that particular provision, should there have been a statement, as a number of the Founding Fathers had wanted to do, to say that slavery was not right in this Nation, there are few who believe, from a historic point of view, that that Constitution would have been ratified.

And we know, Mr. President, what subsequently took place. This country involved itself in the Civil War, the bloodiest war that we have ever fought. And you only have to travel a few hours from where we are gathered here today to perhaps the bloodiest battleground in the history of this Nation, Antietam—24,000 killed in less than 3 days, tens of thousands wounded for life—or go to other battlegrounds, Manassas, the whole range of different battlegrounds, let alone Gettysburg and others, to realize the extraordinary loss of life and limb and blood that was shed at the time when this Nation was trying to free itself from the shackles of slavery.

We know the extraordinary developments that took place in the reconstruction period: The agony, the adjustments and the struggles that took place even in this country as we were trying to cope with the decisions in the 1890's, such as Plessy versus Ferguson, that said once again we can be separate and we can be equal. It appeared that we were going back and retreating on the fundamental commitment of this Nation that when we talked about liberty and justice for all we really meant all, black and white—liberty and justice for all.

And then that great march of Dr. King in the late 1950's and through the period of the 1960's demonstrating absolutely extraordinary personal courage, arrested time in and time out, in many instances alone, with howling mobs looming outside of churches where he gathered with fathers and mothers and small children.

His great strength was the power of his moral message to the faithful gathered in those churches, members of families who at another time might have experienced some of the darkest days of this Nation—when lynching was accepted and some of the most brutal kinds of human indignities experienced by our fellow citizens. The power of his life and the power of his message awakened this Nation, and it did it in an extraordinary way. It did it in a nonviolent way.

Given what this country had experienced 100 years before, Dr. King, more than any other individual, was able to appeal to the blacks in this country, but also to appeal to the basic moral teachings of what this Nation was about and gather the support of whites and members of all races and all religions.

This country moved, Mr. President. This country moved with the Voting Rights Act of 1984. I always find it amazing, now, when I travel around my State of Massachusetts, that students do not even understand that there were large groups in our society that were denied the right to vote in

America prior to 1964. They do not even understand that before the Public Accommodations Act that there were members of our fellow citizenry whose skin was not white who were denied the opportunity to travel on trains or buses and forbidden to go to various hotels. People really lose track of all of the progress that was made.

We made progress as well to eliminate the discrimination in employment. Still, we find too many instances where that issue is still before us as a society. Just last year we completed action on one of those issues when we actually put teeth into the 1968 act on fair housing. Prior to that time we found, in the various studies that were taking place, that if your skin was black in this country you had a 70-percent chance to be discriminated against when you went out and rented a home; 50 percent when you went out to buy one.

Those are in the last 2 or 3 years, Mr. President.

So we were able to take action last year and were able to make progress. And I daresay that those efforts and important steps toward progress that we took in the 1960's, and again in the seventies and last year in the eighties, really find their roots back in the teaching and the experience we find in the life of Dr. King. When we went on to pass that holiday, Mr. President, we committed ourselves to make it a meaningful holiday.

I hear out here on the floor now questions about who said what about funding at that particular time. I know what was stated and what was believed to be the case, that the King holiday was going to be a meaningful holiday. This legislation, that has the support of President Bush, is going to make it a meaningful holiday.

There are those who were against this holiday when it was established and they appear to be against it now. And now we are hearing from some on the floor of the U.S. Senate. It is a rearguard action. They could not stop the King holiday then, but they are out to try to undermine the holiday now.

I think it is appropriate, Mr. President, to ask whether those lessons that we learned 20 years ago and 25 years ago, need to be brought back to our fellow citizens even now. And I daresay they do. Because I can remember, even in the last 8 years, when the former Senator from Maryland, Senator Mathias, and I were trying to gain cosponsors for the reauthorization for the Voting Rights Act, when we had an Attorney General of the United States who appeared before the Judiciary Committee and said no; no to an extension of the Voting Rights Act. That was William French Smith, Mr. President, in the 1981 hearings of our Judiciary Committee. Sometimes we seem to be a country that grows more separate and less equal.

I was here in the Senate when we considered the Bob Jones case. It presented a very basic, fundamental issue: Should taxpayers' money be permitted to go to private institutions that are going to discriminate? I thought part of the debate in the 1960's would say: No, we are not going to do that. We are not going to permit American taxpayers' money to be used by institutions which are going to practice segregation. But not in the early 1980's, that was not the position of the previous administration. That was not their position.

Or the Civil Rights Restoration Act to ensure that we were not going to have discrimination and use taxpayers' funds to discriminate, not only on the basis of race, but for women in our society. We were only able to go back to what we believed in the 1960's by overriding a President's veto.

The lessons of voting, the lessons of not using funds for discriminatory purposes, the assaults on affirmative action so that we were not going to discriminate against individuals on the basis of the color of their skin, the dismantlement of the EEOC, all happened in the last 8 years.

And we have to ask ourselves: Are the lessons that we learned during those difficult and trying times—we experienced extraordinary anguish and extraordinary courage that brought out the best and the darkest sides of our nature in those periods when Dr. King marched at Selma and was incarcerated in the Birmingham jail—whether it is important for us to be reminded of those lessons and whether it is going to be important for our Nation to be reminded of them in the future?

Those are just the issues dealing with civil rights, Mr. President. And they only cover to a small degree the amount of civil injustice, economic injustice, and poverty that Dr. King brought to the attention of this Nation.

We do not have to look at studies, when we go out across this city or most of the major cities of the country and see the homelessness in our country. We find out about the deterioration in our school systems; and the fact that there are many individuals who do not have health insurance; the basic issues of economic justice as well as civil rights—I daresay all of those lessons are worthwhile for a great nation, as our Nation is, that is in constant pursuit of moving the causes of justice and equity and fairness forward with regard to its fellow citizens.

I daresay Dr. King has personified those lessons in his message, and it is a message which I think we as a country would do well if we focused on, not just 1 day of the year, the Martin Luther King holiday, but for the other 364 as well.

With this legislation, if we are able to remind our fellow citizens of the progress that has been made and also that which needs to be made, Mr. President, this legislation will have far exceeded all of our greatest hopes and dreams.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

PROHIBITING THE EXPORT OF TECHNOLOGY RELATIVE TO THE FSX AIRCRAFT

Mr. DIXON. Mr. President, I send to the desk a joint resolution of disapproval and ask that it be read.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 113) prohibiting the export of technology, defense articles, and defense services to develop or coproduce the FSX aircraft with Japan.

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

FUNDING FOR MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

(The Senate continued consideration of the bill.)

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, a great deal of what has been said thus far amounts to little more than a non sequitur in terms of what the issue before the Senate is all about. I said a few moments ago in my preliminary remarks that Senators will differ in their assessments of Dr. King, just as many Americans differ. But what the Senate is being asked to consider is a matter that involves precedents, it involves whether the legislation had been thought through in terms of its ultimate implications and, in fact, whether it is a fair and equitable piece of legislation. We will see. But let us review the Commission a little bit.

The Martin Luther King Commission was established in 1984 because Congress determined that—

It is appropriate for the Federal Government to coordinate efforts with Americans of diverse background and with private organizations in the first observance of the holiday.

That is what it said when we first considered this. And I recall that almost every Member of Congress, House and Senate, who spoke in favor of creating this Commission stressed, emphasized the point, first, that the

Commission would exist for only 20 months; and second, that no Federal funds would ever be used.

So here we are today using a lot of rhetoric to bypass the point. I recall that one Congressman, Mr. Addabbo, said on the floor of the House:

The maintenance and expenditures of the Commission are to be made from privately donated funds and, therefore, represent no further burden on the Federal budget.

Another Congressman, Mr. GARCIA, said on the floor of the House of Representatives:

The Commission will be a temporary structure and will disband forever after its work is done. It will require no Government funding and will be supported entirely through private contributions. Thus the bill does not propose a permanent structure that will burden the budget and take scarce resources away from vital areas where they are needed.

It is worth noting parenthetically, Mr. President, that the House of Representatives now has passed a bill making permanent this Commission. No wonder that the American people have a great skepticism about the sincerity of anything said in the House and Senate, certainly about the expenditure of the money required to finance this Government.

Then there was another Member of the House of Representatives, Mr. COURTER, who said on the floor of the House:

I would emphasize also that this Commission will be functioning using private donations, private money as Dr. Martin Luther King, Jr., would have it, I am quite sure, if he could express his own desire.

Then, Mr. President, in 1986 we heard arguments that the Commission still needed a few more years to complete the job it had started in 1984. And you remember that that job was to promote the first observance of the Martin Luther King holiday. Long past, but yet they needed a little more time, a little more money. Consequently, in 1986, the Commission's life was extended for 3 more years, and that expired in April of this year. Again, in 1986, we heard the proponents of the extension stress the point that the Commission operates on private funds. That was emphasized time and time again.

I remember Senators said it will not cost the taxpayers 1 cent. Well, they were wrong then. They did not know what was in the bill then. There was a stampede to approve it.

One of our distinguished colleagues in the Senate, one of the most able Members of this Senate, and I am sure he believed every word he said—let us quote him.

It should be emphasized that no Federal money is appropriated for the Commission. Rather, it operates entirely on donated funds. Under the extension legislation, the Commission would continue to be funded from these sources—

Meaning private sources—

expanding the size of the Commission should also enhance its ability to raise private sector funds.

I have already said that this Commission is not lacking for moneys. My information is that it has taken in between $20 and $30 million from private sources, but that is not enough. Here they come to the taxpayers.

Another Senator, one who I respect enormously and I know he believed what he said on that day in 1986:

No Federal funds would be required, and the activity of the Commission will continue to be supported by private donations.

If anybody wants me to identify any of the Senators, I will be glad to do that in the RECORD. Another of our distinguished colleagues stated that the Commission "does not cost the Federal Government a single penny." No equivocation, no doubt in his mind about that. He simply did not know at that time what the bill provided. I do not believe Senators now know the implications.

Now, we are traveling this narrow corridor that I described at the outset of my remarks an hour ago. I am not going to get into the business of assessing Dr. King's life, Dr. King's career. That has been done. I am just raising questions about whether the Senate understands what it is doing in terms of the implications and the precedents. I do not think the Senate does or—and I hope I am incorrect about this—the Senate does not care.

Before we get too far in this debate, I think we need to correct a misunderstanding that has been created as to whether the Martin Luther King Holiday Commission is supported by Federal funds. Contrary to what has been said by many, the Commission has been receiving significant support from the American taxpayers.

The law creating the Commission provided that—

Upon the request of the Commission, the head of any Department or agency of the United States may detail on a nonreimbursable basis any of the personnel of such Department or agency to the commission to assist it in carrying out its responsibilities under the act.

As a result of that little thing, Senators ignored at the time—in fact, got up on the floor at that time and said not one penny of the taxpayers' money will be spent.

Let me tell you, it was mighty profitable for the Commission, and I am going to demonstrate the point by reading from the Commission's own annual report:

All of the Commission staff except for the executive director were provided on a nonreimbursable basis by Federal agencies.

According to the last two reports from this Commission, the value of these services, the cost to the American taxpayers, in other words, for the 4-year period ending on February 28, 1989, was $1,729,000 in the Washington office of the Commission and $375,000 in the Atlanta office. These estimates do not include the value of office space furnished by the Federal Government or furniture issued by the Federal Government and equipment furnished by the Federal Government used in both the Washington and the Atlanta offices by this Commission. All of this was provided by Mr. U.S. Taxpayer, whether he liked it or not, contrary to what had been promised, vowed to on this floor at the time the bill was passed.

I am sure Senators are enjoying coming over here and paying their respects to Dr. King, and that is fine. I am even sure they are sincere in expressing their respect and admiration for Martin Luther King and his works, and I am sure they have a genuine desire to see the holiday celebrated appropriately, and that is fine. I also understand that Senators who have spoken this afternoon feel a need to demonstrate their continued support by spending more of the taxpayer's money. It is so easy to spend somebody else's money, and you can make it so virtuous. I am going to give Senators a chance to put up or shut up on that proposition before this is over. But what I really want, what I really seek, Mr. President, is to have Senators think seriously before sending us further down the road of providing sizable sums of money for this purpose in addition to the significant financial contribution already made by the American taxpayers.

We all profess to be concerned about the budget deficit. We certainly, every time we go home, profess to be concerned about the burden on the hard-working taxpayers, and I feel that way, too. But I bet on this issue the vote is going to be lopsided, and I knew that when I went into this issue.

Now, I met this morning with the distinguished majority leader and minority leader and Senator NUNN. I made them a proposition that if they would delete the funding, we could get this matter over and done with quickly. I feel this way about it, Mr. President. If the Commission is willing to promote this holiday with private funds, that is fine. In fact, I admire the members and staff of the Commission for the dedication they bring to a cause in which they believe. But let us look at what we are talking about, that narrow legislative corridor that I mentioned an hour ago when I first rose on this Senate floor to briefly discuss this matter.

Under the pending legislation, the proponents not only seek to extend the life of the Commission once more, this time for 5 years, they also want what they call a modest amount of Federal support. That is the way every program in history, almost without exception, has begun: "Oh, this is a tem-

porary program; it will not cost much money." Then programs take on a life of their own, they operate in perpetuity, and the American taxpayer has nothing to say about it.

I do not think there is any mystery, Mr. President, that the intent of this bill and the intent of many of its proponents—maybe not all—from the very beginning was to create a permanent, federally funded Commission. Bear in mind that the House bill, already passed by an overwhelming margin, would make the Commission permanent with an authorization of $500,000 a year of the American taxpayers' money, and you can bet your boots that down the line, maybe not too far down the line, they will up that to $1 million a year, $1.5 million a year, $2 million. Who knows?

Mr. President, if we agree to provide any further Federal funds to support this Commission, we are headed down a path that will lead to progressively larger and larger amounts with absolutely no chance of ever reducing or stopping it.

If this Commission is extended for 5 years, the lobbying will begin immediately to make it permanent just as sure as the morning follows the night. That is the way it always works. The pressure will get greater and greater as we approach that sunset date 5 years hence.

Let me say this: In our meeting this morning, and my hat is off to Senator NUNN at least to this, he indicated his very strong objection to making the Commission permanent. But I know, and Senator NUNN is certain to know, that he will have little control over that. The train will be rushing down the track by that time, and those who have been trying to say wait a minute will be swept aside.

I would like to sit down with any of the cosponsors, just privately, not in a heated debate on this floor, and ask them what they would consider to be the maximum funding level in the future for this Commission. Would it be $5 million, $10 million, $50 million, $100 million? When I heard the recitation of all the grand and glorious things the Commission is charged with doing—which, incidentally are not covered, certainly not specifically in the bill—the sky is the limit.

I know the $1.5 million specified in the bill now pending may be considered an insignificant amount around here, as soon as you are spending the other guy's money, any amount is insignificant. But you ask Senators to put up their own money, I tried that one time on another issue. That was many years ago. I was the new boy on the block in the Senate, and I heard all of the self-righteous proclamations about we have to do this. Just appropriate $250 million, as I recall. I sent a little amendment to the desk with my check for $1,000, which I would have to borrow from the bank to cover, and I said, "Let us not spend any of the taxpayers' money. Let us, Members of the House, Members of the Senate, put up the money for it." I think I got seven votes. I got a lot of hard words from some of my colleagues. It is easy to spend another guy's money, Mr. President, but when you ask Senators to put up their own money, oh, that is asking too much.

Every day we hear our colleagues speak so eloquently about the Federal deficit. I agree with it. I was a new boy on the block again in 1973 who introduced his first bill calling for a balanced Federal budget. They said, "Let us not be silly," and voted it down.

So I am worried about the Federal deficit. I have been. I was worried about the Federal deficit before I was elected to the Senate in 1972. I voted against appropriation bill after appropriation bill because it was bloated and swollen because everybody got their little deal in. Nobody ever cuts. They always raise the Federal spending because it is not their money. It is not their money. It is Joe Taxpayer's money, and who is Joe to complain?

I have heard so many times harsh condemnations of Ronald Reagan, claiming that he created these deficits. It is not so. No President can spend 1 dime that has not been authorized and appropriated by the Congress of the United States. I like Ronald Reagan. I do not dislike him. He did plead for a balanced budget. He did plead for the line-item veto, and the Congress said, "Don't be silly. We are not going to give you either one."

I hear so much talk about how these deficits are preventing the Federal Government from adequately funding programs to feed children, to take care of the elderly, to help bring people out of poverty. Yet the same people who say these things, I predict, are going to vote on the pending bill which will begin a new Federal program which can be described at best as nonessential. Some may find it desirable. But when all is said and done—I guess a lot will be said and very little done—it is nonessential.

Furthermore, I think Senators ought to understand that there is no other federally funded entity established simply to promote a particular Federal holiday on an annual basis—not one.

I have heard references today and a time or two before today to the Christopher Columbus Quincentenary Jubilee Commission, and the Commission on the Bicentennial of the U.S. Constitution. However, those two were established to observe and celebrate exceptionally unique events in our history, one to celebrate a 200th anniversary and that does not roll around very often. Of course, the Christopher Columbus Commission was created to celebrate a 500th anniversary.

When these Commissions are through with their work, and one of them already is, bang, they will have been terminated or will be.

Now, Mr. President, what distinguishes this holiday from Independence Day or Washington's Birthday or Lincoln's Birthday—what really distinguishes this specific, particular holiday to justify the permanent federally funded Commission to promote it? Before we appropriate Federal funds specifically for this Commission, I think it is important for the Senate to understand and understand clearly, precisely how this money will be used. Do not give me some generalities. Our business in the Senate is to understand precisely how the money will be spent.

Public Law 98-399 originally set forth the purpose of the Commission. I hope you will listen to me. "The purpose of the Commission is to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and two, to provide advice and assistance to Federal, State, and local governments, and to private organizations with respect to the observance of such holiday."

There is no question about it. It referred to one observance, the first observance, on January 20, 1986—long ago.

There was no other purpose stated for the Commission. Mr. President, the statement of purpose has not been amended. Yet the Commission's activities have gone far beyond anything contemplated when it was created in 1984.

Let me identify a few of the many activities and programs which the Commission has initiated or in which it has participated.

I simply ask each Senator to consider whether each activity is in fact appropriate, in light of the purpose of this Commission, as stated in the statute, and whether Federal funds should be appropriated to the Commission to support these programs and activities.

Now, according to the 1988 annual report of the Commission—and this is not JESSE HELMS talking; this is the Commission itself:

> The Commission expanded the Freedom Trail Map program that began in 1986-1987. The focus of the Freedom Trail provides a stimulus to individuals, organizations and communities in America, as well as nations around the globe, to demonstrate commitment to nonviolent social change.

That is all well and good, but that is not what the creating statute said. They did not allow for anything like that. And then the annual report mentioned that the Commission worked with the King Center for Nonviolent Social Change, Inc.—You bet it did—and also with the U.S. Student Asso-

ciation, to conduct a national college student conference in Atlanta. Now, in this conference—and I am quoting from the annual report of the Commission:

In this conference, the Commission sought to reestablish a national college and university student coalition dedicated to the principles of nonviolent social change.

And I quote further from the annual report—

The conference brought hundreds of students to Atlanta for formal training on Kingian nonviolence philosophy and strategy.

Later, the annual report stated that:

The students learned how to bring protest campaigns through the stages of information, education, personal commitment, and purification, negotiation, direct action, reconciliation, and gained fundamental skills which allowed them to return to their campuses and effectively deal with injustices. The conference also encouraged students to register to vote.

As one of the new activities set out in the report—and when I say the report, I mean the annual report of this Commission—the Commission "has called upon holiday commissions, State, city, local, as well as other organizations and groups to identify and undertake a Martin Luther King, Jr., heritage action project."

That might be all right, but it was not covered in the original law. What do we do around this place? Just say, here we have general language, and take the ball and run with it?

Another question that there might be is, how many more protest movements do we want the American taxpayers to finance? According to the annual report, these projects "must address problems of poverty, racism, war, and violence in its many forms, and how these issues impact upon the human experience."

The report sets out a list of some appropriate examples, including: Housing for the poor; shelters for the homeless; creative efforts to promote peacekeeping and peacemaking; No. 4, community service programs to help the elderly, handicapped/physically challenged or other disadvantaged groups; programs to address the problems of drug abuse, teenage pregnancy, illiteracy, crime, unemployment and underemployment, none of which were covered by the statute. I thought that was something the Congress was supposed to be working on anyhow.

No. 6, assistance to small farmers and refugees; scholarships for students and adults to receive training at the King Center in Atlanta; No. 8, nonviolent projects to eliminate apartheid in South Africa and to promote independent nations in the southern African region.

Well, depending on the Senator, you may agree or disagree with some or all of these, but the point is, this authority was not covered in the original statute. Nor is it covered in the pending statute. What are we doing, a blank check?

Another of the new activities mentioned in the annual report is to support efforts "to formalize"—and that word bothers me—"to formalize instruction and curriculum in America's schools." Now, what are we talking about? I would like to hear Bill Bennett or somebody comment on this. Bill Bennett may be totally in favor of this bill. I have not talked with him about it. Do we really want to finance an independent organization that is going to formalize education? The Commission also plans to sponsor "a national teachers miniconference on infusing materials related to Dr. King and to the curriculum of the Nation's schools."

What does that mean? Does that mean they are going to be the judge and jury on what is presented and what is not presented on any subject, including Dr. King? Now, I sent every Senator a copy of the report. I would not dare to speculate about how many people even opened it up.

Yet, another effort of the Commission is the "formalization of instruction on Dr. King in public and private schools, colleges, universities." And I continue to quote: "The Commission sees an increasing need for the establishment of an educational materials clearinghouse on Dr. King."

Clearinghouse? Does that mean that only the materials that this Commission clears will be used? I think there would be a few teachers around who would object to that. Let me continue to quote.

The clearinghouse will plan programs based on ongoing assessments of currently developed educational materials related to Dr. King, identify needs and improvements in curricula areas.

Do you see where this has taken us, Mr. President?

Maintain information on the current trends and educational practices and teaching techniques.

Wow!

And interact with State and local education agencies, principals, teachers, parents, educational associations, media, libraries, and other information dissemination sources.

Mercy!

We are bestowing a lot of power on this Commission, and we are going to propose to finance it more and more on a permanent basis.

Another primary function of the Commission has been to lobby State and local governments to establish a holiday. According to the report the Commission "began immediately upon its establishment to encourage State Governments to enact legislation establishing corresponding State holidays and to establish State holiday commissions designed to institutionalize the holiday in their States. The Commission encourages all States to use the legislative process to establish the day"—meaning the holiday, I presume—"as a paid holiday for employees."

Well now, I have been trying to think of what other governmental entity is financed in whole or in part upon which we bestow the authority to lobby, the Federal Government or any other government.

When I find the next one it will be a total of one.

Later the annual report states other examples of its lobbying activities.

* * * the Chairperson [of the Commission] plans to visit these 7 States for discussions with principal State officials and legislators regarding ways and means to officially establish the Holiday in their States.

All well and good, depending on how you feel about it. How do you feel about the taxpayer being required to finance a lobbying outfit in whole or in part?

But let us go further.

The Governor of each State will be asked to continue their State holiday commission or to create one, and allow their Commission to become a part of the Federal Commission's new Council of State Holiday Commissions. Each Governor will also be asked to make a one-time contribution of $500 to the Federal Commission.

I expect a lot of Governors will be awfully busy; if they are anything like Senators, they don't want to give up anything of their own money. But I do not know about that, but I just speculate.

But to continue the report:

Mayors throughout the country will be asked to continue their local commission/committee or to create one. * * * Each mayor will also be asked to make a one-time contribution of $250 to the Federal Commission.

Continuing to quote from the annual report:

Efforts will continue to have the United Nations formerly—

They meant "formally"—

observe the National Holiday some special event or activity.

I read it just as it appears in the annual report. I am not sure what all that means. It is not clear to me. But let us continue to quote:

[T]he International Committee established three major objectives: (1) To encourage support for meaningful activities at foreign embassies in Washington, DC and their countries on the Holiday. * * * Members of the committee actively promoted their objectives through correspondence and personal meetings with foreign ambassadors and other officials.

That is about as far as I am going right now. I have an armload of material which I want to share with the Senate, at least part of it. I will do that as time passes.

I might add, Mr. President, at the meeting this morning with Majority Leader MITCHELL, Minority Leader DOLE, and Senator NUNN we worked

out, I think, a modification of the present legislation. I hope the modification will be accepted because it will place a restriction on some of the Commission's activities and make it subject to the Federal Advisory Committee Act.

I want to say right now that Senator NUNN has been open-handed with me and I have tried to be with him in connection with this bill. He knows how I feel about it and I know how he feels about it.

I thank him and I certainly thank the distinguished majority leader and the distinguished minority leader for their cooperation and consideration in terms of the modification of the bill if indeed it occurs.

I will be back in a little while to offer the first amendment. Senator MITCHELL asked me to be prepared to lay down an amendment for this evening to be voted on tomorrow which I agreed to do.

There cannot be any votes today, you understand, because there are not enough Senators around. This is Monday, which is almost as bad as Friday around this place. And if we attempted to have a rollcall vote right now we would not get 51 votes, and under the Senate rule we would have to adjourn, which might be the best thing we could do for the American people.

Last week in North Carolina one of my friends said, "What are you doing home?" I said, "You did not know it but your liberties are safe. The Senate is not in session all this week."

Monday is the next thing to being in recess.

I yield the floor.

The PRESIDING OFFICER [Mr. ROBB]. The Chair recognizes the floor manager, the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our majority leader can speak for himself, but I understand the Senate schedule was worked out between the majority leader and the Republican leader. So I would suggest if the Senator from North Carolina has some complaints about the scheduling of various events that he direct those to the Republican leader, since I understand that this program with regards to this particular measure has been worked out with the leadership.

It is, I must say, quite astounding that we have to take up this much of the Senate's time to address this particular issue, but the Senator from North Carolina has indicated he was desirous of doing so and so we will take up the Senate's time while there are so many other measures which are of such urgency and importance that we ought to have the opportunity to address.

Mr. President, I will just take very few moments now to address some of the areas which the Senator from North Carolina has addressed. As I mentioned earlier, I respect the reasons and the position of the Senator from North Carolina, but since this legislation was introduced shortly after Martin Luther King's tragic loss he has been a firm opponent every step along the way.

When we addressed this issue on the debate on the floor of the U.S. Senate and now at this particular time when we are providing for continued authorization, 5 years of $300,000, in authorization, this authorization will have to go to the appropriating committee as other authorizations will, and the appropriating committee will evaluate the various programs and the justifications for it and then we will have an opportunity to review that again, whether we are satisified with that particular amount.

So with regards to the procedures, with regards to the precedents, Mr. President, we have seen ample number of precedents in terms of funding various commissions. As the Senator from North Carolina himself has pointed out, we have already appropriated some $652,000 to celebrate the 500th anniversary of Christopher Columbus in an appropriate way. That obvious experience reaches the very core of the development of the founding of our country.

But I do not hear the Senator from North Carolina going after that particular authorization or that particular appropriation; nor has he gone after other kinds of appropriations.

We have allocated some $50,000 to celebrate the centennial of President Eisenhower's 100th birthday. I support that as I have the Christopher Columbus proposal, but the Senator from North Carolina has not opposed those proposals.

There only appears to be one and that has to do with Martin Luther King.

Now we understand the position of the Senator from North Carolina right from the very beginning, in terms of the range of different measures, the civil rights measures, and he has his position and I understand it and I respect it. But we have to understand what his position has been and what it continues to be, and while he is talking about the various ways this body is playing fast and free with the American taxpayers, he has not been that willing to come to the floor on these particular issues on other particular commissions which have had authorizations and which have had appropriations, and I think it is important to understand that.

Second, Mr. President, the fact remains that many of us who supported the Martin Luther King holiday recognized that it was not only a recognition of the celebration of a particular holiday but it was also a recognition of the teachings, the values, and the positions of a very outstanding individual, who did receive the Nobel Peace Prize.

Mr. President, many of us who were there during the period of time when it was first introduced thought that most of those issues were going to be resolved, that this Nation was going to make progress in dealing with racism, injustice, and intolerance. We believed, perhaps naively, that when we tried to make some progress, legislatively and through reconciliations some time ago that we would not be back here 20 years later and still see the stains of racism and injustice in our society. But they are there and no one is suggesting that with just the authorization of this particular legislation we going to resolve it. We are not.

But what we are trying to reflect on is the fact that at a critical time in this country's history, when we were attempting to come to grips with the rawest aspect of segregation, that there was an individual who brought us to our senses and did it in a nonviolent way and he appealed to the values and the conscience of the Nation rather than to the club or the riot or the blackjack or other weapons. I think that those are tragic lessons that we need to continue to be reminded of.

It seems to me that if this holiday, as I mentioned before, can be a moment which does not remind us of those lessons, and if there can be initiatives that take place across this country in particular communities or in particular States that are particularly effective, if this Commission can share that experience with other States and other communities to the benefit of our common experience, I think it is an investment well made.

Mr. President, I am prepared at this time either to debate amendments or to continue to debate the merits of the bill itself. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I would like to express my support for S. 431 which reauthorizes the Martin Luther King, Jr. Federal Holiday Commission for an additional 5 years and provides for an annual appropriation of $300,000.

I would say, as I say later in my remarks, that I recall standing on this floor in 1986, I believe it was, saying that we were asking that a Commission be authorized and financed with contributions from private sources. Certainly that has been my prefer-

ence, and I made that clear to Mrs. King and others.

I have tried to help raise money through private sources. I said to Mrs. King recently that I would be happy to try to help her in continuing private efforts. I think that is the best way to go.

But, in any event, having been a member of the Commission since 1986, I have seen the Commission do many good things. Many of these good things were alluded to this morning by my friend and colleague from Georgia, the sponsor of this bill, Senator NUNN. The Commission has encouraged States to recognize and celebrate the King holiday. There are 45 States now, including my own State of Kansas, that officially observe the holiday. Senator NUNN also talked about the number of foreign countries which have taken an interest in the celebration.

In addition, the Commission has distributed hundreds of thousands of posters and pamphlets describing the work and the life of Dr. King. The Commission has also responded to thousands and thousands of inquiries from across the country. And it has sponsored an annual holiday parade in Atlanta that has grown in size and popularity each year.

So I think in a couple of short years, the Commission can be commended—the members of the Commission, particularly Mrs. King, who is the driving force behind the Commission—for trying to fulfill its original mandate to promote the observance of the King holiday throughout the United States and to assist and advise Federal, State, and local governments in the holiday's observance. That was the purpose of the bill. That was the purpose of the Commission.

I think a quick look at the latest annual report would demonstrate how much the Commission has accomplished in its brief 4 years of existence. Much more needs to be done, however. Many young people and the younger generations are not aware of the important contributions that Dr. King made to this country; not even aware of the sacrifices he made; not aware that these contributions benefited both black and white America. All these contributions should not be forgotten.

As I said, I am not crazy about public funding. To me, it is sort of a foot in the door for somebody else. Next year, somebody may want more money and more money and more money.

I know that there have been some indications that there was precedent for this. I could not find, however, any direct precedent for public funding in the other Federal holidays.

But, in any event, I think that the public funding here is a small amount—$300,000 may be a lot of money for some, but, as one of my colleagues pointed out earlier in the debate, the State of New York is spending almost double that amount on a statewide King commission.

So I can certainly understand some of the objections raised today by my distinguished colleague from North Carolina, Senator HELMS.

Ideally the Commission should be funded exclusively from donations from private sources. I must admit one of the reasons I supported the original legislation that established the Commission was the fact that I could stand here and say the Commission would be financed entirely with private donations. And I have been, in some small part, involved in that effort to try to raise money for the Commission.

It is not too difficult for the Martin Luther King, Jr. Center to raise money, but it is pretty difficult for the Commission. We cannot ignore the Commission's difficult financial situation. While the Commission has managed to operate with a positive accounting balance over the past several years, it is just squeaking by. Private financing has not been enough. That is why I have come to the conclusion that some small amount of Federal funds is now necessary. I disagree with the House, though, which made the reauthorization and funding of the Commission permanent. I think Senator NUNN is correct. Let us have a 5-year reauthorization at the level of funding he suggests. Then we can take a look at it.

Maybe there will be some way, in the next year or sometime shortly thereafter, to find a way to fund the Commission privately.

As I have said, I made a personal pledge to Mrs. King to try to enlist private support for the Commission and I hope and I know that other Senators will join me in that effort. Perhaps we can make public financing unnecessary as early as next year. If that happens, I am certain that those who are concerned about the Commission and its funding will welcome such an event.

I would also like to add another point here. As a recipient of public funds, the Commission will have an additional responsibility, a responsibility to ensure that public funds are not misused and are used for the purpose for which they are appropriated, for the purpose intended by Congress. This morning a number of my colleagues discussed at least one amendment. I think there was general agreement on it. Hopefully we can work it out. It may be offered today or tomorrow, to make this responsibility clear.

This amendment will be designed to ensure that the Commission engages only in those activities that actually promote the King holiday and not activities, for example, that encourage student training in civil disobedience or how to conduct a protest.

As I look back at the original intent of the Commission, the only purpose I can find was, "to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986," and to "provide advice and assistance to Federal, State, and local governments and to private organizations with respect to observance of such holiday." That is it. If the Commission is going to be financed with public funds, in my view, the Commission ought to limit itself to these activities. That means no unlimited lobbying, no schools on how to conduct civil disobedience or protests. And I would hope we could agree on such an amendment if and when it is offered. And I am certain it will be offered.

It seems to me once you accept Federal funding you have to accept the responsibility. I do not think that is too much to ask.

Also, it is my understanding that an amendment will be offered, maybe part of the same amendment, which would make the provisions of the Federal Advisory Committee Act apply to the Commission. In other words, as long as the Commission receives public funding, there is no reason for the Federal Advisory Committee Act to apply to this Commission. But now, with public funding, it should apply. It is very helpful and does require some accounting. I think that is the way it should be. I do not know of any disagreement there.

But, I would say also that during the Senate debate on the King holiday itself, which was controversial, as the Senator from Massachusetts said earlier, I had the privilege on the Republican side of managing that bill. We were in the majority. I was a member of the Judiciary Committee. It was controversial to many Senators and to many people around the country. We made a pledge then that we were going to make certain that we did not spend a lot of Federal money.

But I said during the debate, and I would quote again: This is some 5 or 6 years ago:

> Dr. King lost his life but no one can take away his legacy. Like the men in olive grey and brown khaki whom we honor on Veterans Day, like the man in a blue collar or women in the classroom whom we salute on Labor Day, like so many others who have in their own way helped close the gap between America's promises and her performance, he risked everything for what he believed in. It is this belief we commemorate, as well as the believer; it is the struggle for opportunity as old as America herself to which we pledge ourselves anew.

I still believe what I said 5 years ago. I believe that the Commission continues to have an important role in pro-

moting the vision and the legacy of Dr. Martin Luther King, Jr.

I would hope, along with the majority leader—I think I can speak for him—that we can dispose of this matter quickly tomorrow and then move onto the budget resolution and complete action on that early this week.

I would also make a part of the record, because I am on record as saying private funding is the right way to go, a statement I made on April 17, 1986. I will quote from my statement:

It should be emphasized that no Federal money is appropriated for the Commission; rather, it operates entirely on donated funds. Over the past year, a number of businesses and organizations contributed money to the work of the Commission and under the extension legislation, the Commission would continue to be funded from these sources.

That was my hope then. As I have said, we have to deal with reality. It has not been easy to raise money for the Commission. We made a number of efforts. I know Mrs. King and others have; House Members, Members of the Senate, members in the private sector. But I am still hopeful that together we can find resources which would obviate the need for any Federal funding at all. Maybe this will occur after the first year of this 5-year reauthorization.

So, Mr. President, I support the legislation and I would hope there would be an amendment along the lines I outlined. It was discussed this morning in the leader's office, with the principal sponsor of the proposal, Senator NUNN, myself, Senator HELMS, and the majority leader. I think that it may be an amendment we can agree upon.

I am not so certain about some of the other amendments of Senator HELMS, particularly the amendment to strike out Federal funding. I cannot support that amendment even though, as I said, I am on record earlier hoping that we could continue this Commission without public funds.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, as the distinguished Senator from Kansas, Mr. DOLE will recall, our agreement was this morning, and it was suggested by the majority leader, that I lay down an amendment which I am prepared to do. As a matter of fact, I will do it.

AMENDMENT NO. 65

(Purpose: To extend the Commission for 2 years)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMES] proposes an amendment numbered 65.

At the end of the bill, add the following: Notwithstanding any provision of this Act, the Commission shall cease to exist two years after the date of enactment of this Act.

Mr. HELMS. Mr. President, so we have something to work on in the morning, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 66 TO AMENDMENT NO. 65

(Purpose: To delete funding for the Commission)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for it to be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 66 to amendment numbered 65.

Strike all after the first occurrence of word "Act," and insert in lieu thereof the following:

No funds shall be appropriated for the Commission.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an agreement effected by exchange of notes February 17, 1989, and March 27, 1989, extending for the period of 2 years from July 1, 1989, until July 1, 1991, the Agreement between the Government of the United States of America and the Government of the Republic of Korea Concerning Fisheries off the Coasts of the United States, signed at Washington on July 26, 1982, as amended and extended. The exchange of notes together with the present agreement constitute a governing international fishery agreement within the meaning of section 201(c) of the act.

Several U.S. fishing industry interests have urged prompt consideration of this agreement. Because of the importance of our fishing relationship with Korea, I urge the Congress to give favorable consideration to this agreement at an early date.

Since 60 calendar days of continuous session, as required by the legislation, may not be available before the current agreement is scheduled to expire, I recommend the Congress consider passage of a joint resolution.

GEORGE BUSH.

THE WHITE HOUSE, *May 1, 1989.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on April 25, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolutions, without amendments:

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week";

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending of May 7, 1989, as "National Drinking Water Week"'

S.J. Res. 84. Joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day"; and

S.J. Res. 92. Joint resolution to invite the houses of worship of this Nation to celebrate the bicentennial of the inauguration of George Washington, the first President of the United States, by ringing bells at 12 noon on Sunday, April 30, 1989.

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on April 26, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 678) to make a correction in the Education and Training for a Competitive America Act of 1988.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had signed the following enrolled joint resolutions:

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week";

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 84. Joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day";

S.J. Res. 92. Joint resolution to invite the houses of worship of this Nation to celebrate the bicentennial of the inauguration of George Washington, the first President of the United States, by ringing bells at 12 noon on Sunday, April 30, 1989; and

H.J. Res. 124. Joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

Under the authority of the order of the Senate of January 3, 1989, the enrolled joint resolutions were signed on April 27, 1989, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 840. An act to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission, and for other purposes;

H.R. 1223. An act to authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992;

H.R. 1224. An act to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992;

H.R. 1225. An act to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 through fiscal year 1992, and for other purposes; and

H.R. 1763. An act to authorize expenditures for fiscal year 1990 for the operation and maintenance of the Panama Canal, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 50. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to the provisions of House Concurrent Resolution 96, One Hundred First Congress, the Speaker appoints the following Members on the part of the House to attend the ceremonies commemorating the 200th anniversary of the implementation of the Constitution as the form of Government of the United States, the convening of the First Congress, the inauguration of George Washington as the first President of the United States, and the proposal of the Bill of Rights as the first 10 amendments to the Constitution: Mrs. BOGGS, Mr. CRANE, Mr. SCHEUER, Mr. SOLARZ, Mr. WEISS, Mr. GREEN, Mr. ACKERMAN, Mr. DORNAN of California, Mr. HOCHBRUECKNER, Mr. ENGEL, and Mrs. LOWEY of New York.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 678. An act to make a correction in the Education and Training for a Competitive America Act of 1988; and

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

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

H.R. 840. An act to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation;

H.R. 1223. An act to authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992; to the Committee on Commerce, Science, and Transportation;

H.R. 1224. An act to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992; to the Committee on Commerce, Science, and Transportation;

H.R. 1225. An act to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 through fiscal year 1992, and for other purposes; to the Committee on Commerce, Science, and Transportation; and

H.R. 1763. An act to authorize expenditures for fiscal year 1990 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Armed Services.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled joint resolutions:

On April 27, 1989:

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week";

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 84. Joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day"; and

S.J. Res. 92. Joint resolution to invite the houses of worship of this Nation to celebrate the bicentennial of the inauguration of George Washington, the first President of the United States, by ringing bells at 12 noon on Sunday, April 30, 1989.

On May 1, 1989:

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week."

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 19, 1989, the following reports of committees were submitted on April 27, 1989, during the recess of the Senate:

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Con. Res. 30, An original concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992 (with additional and minority views) (Rept. No. 101-20).

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. DECONCINI:

S. 869. A bill to amend the Internal Revenue Code to restore the deduction for capital gains of individuals, to ensure that the rate of tax on long-term capital gains of individuals does not exceed 21 percent, and for other purposes; to the Committee on Finance.

By Mr. GORE:

S. 870. A bill to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, to recapture and recycle such substances and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 871. A bill to institute a manufacturers' excise tax on certain ozone-depleting chemi-

cals; to partially direct revenues from such excise tax toward an Ozone Layer Conservation Trust Fund for developing chemical and technological alternatives to ozone-depleting chemicals; and for other purposes; to the Committee on Finance.

S. 872. A bill to phaseout production of certain ozone-depleting chemicals; to institute a policy promoting safe alternatives to ozone-depleting chemicals; and for other purposes; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 873. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

By Mr. FORD:

S. 874. A bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes; to the Committee on Rules and Administration.

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

S. 875. A bill to prohibit United States contributions to the United Nations or any of its affiliated organizations if full membership as a state is granted to any organization or group that does not have the internationally recognized attributes of statehood; to the Committee on Foreign Relations.

By Mr. HELMS:

S. 876. A bill to temporarily suspend the duty on thiothiamine hydrochloride; to the Committee on Finance.

By Mr. DECONCINI:

S. 877. A bill to require the posting on certain aircraft of information relating to the date of manufacture of the aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S.J. Res. 112. Joint resolution designating May 29, 1989, as the "National Day of Remembrance for the victims of the USS Iowa"; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. FORD, Mr. D'AMATO and Mr. SHELBY):

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 869. A bill to amend the Internal Revenue Code to restore the deduction for capital gains of individuals, to ensure that the rate of tax on long-term capital gains of individuals does not exceed 21 percent, and for other purposes; to the Committee on Finance.

RESTORATION OF CAPITAL GAINS DEDUCTION

● Mr. DECONCINI. Mr. President, the elimination of a capital gains differential was one of the major changes instituted in the 1986 Tax Reform Act. The 1986 repeal of the capital gains differential has created a host of new problems—problems that threaten the competitiveness of the American economy.

The elimination of a capital gains differential has created a formidable barrier for long-term investors. It has resulted in a climate that is both economically and psychologically damaging. At a time when world markets are becoming ever more competitive, America can ill afford this. The repeal of the capital gains differential has eroded the Nation's investment base and has reduced confidence in the long-term profitability of the American market.

Additionally, treating capital gains as ordinary income results in unfair taxation for the individual investor. Without a capital gains differential, taxes are determined by an investment's inflationary increases, not its actual increase in value. The unfairness of this present situation must be rectified.

Mr. President, with these considerations and arguments in mind, I am reintroducing legislation that will reduce the effective tax rate on capital gains to its pre-1986 Tax Reform Act level. The bill will reestablish a capital gains differential of 25 percent and thus ensure that no taxpayer pays more than a top effective rate of 21 percent on capital gains income.

I ask unanimous consent that the text of the bill be printed in the RECORD, at this point.

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

S. 869

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

SECTION 1. 25 PERCENT DEDUCTION FOR CAPITAL GAINS.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by inserting after section 1201 the following new section:

"SEC. 1202. DEDUCTION FOR CAPITAL GAINS.

"(a) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to 25 percent of the amount of such net capital gain.

"(b) SPECIAL RULE FOR ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includable by the income beneficiaries as gain derived from the sale or exchange of capital assets.".

(b) MINIMUM TAX.—Section 56(b) of such Code (relating to adjustments applicable to individuals) is amended by adding at the end thereof the following new paragraph:

"(4) CAPITAL GAINS DEDUCTION.—No deduction shall be allowed under section 1202.".

(c) CONFORMING AMENDMENTS.—

(1) Section 62(a) of such Code (defining adjusted gross income) is amended by adding after paragraph (12) the following new paragraph:

"(13) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202.".

(2) Section 163(d)(4) of such Code (defining net investment income) is amended by adding at the end thereof the following new subparagraph:

"(F) NET CAPITAL GAINS EXCLUDED FROM GROSS INCOME.—The net gain described in subparagraph (B)(ii) shall be reduced by the amount excluded from gross income under section 1202.".

(3) Section 170(e)(1) of such Code (relating to certain contributions of ordinary income and capital gain property) is amended by striking out "long-term capital gain" the second place it appears and inserting "long-term capital gain (reduced by the deduction allowed under section 1202)".

(4) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includable on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed.".

(5) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting ", (2)(B)," after "paragraphs (1)".

(6)(A) Section 221 of such Code (relating to cross reference) is amended to read as follows:

"SEC. 221. CROSS REFERENCES.

"(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691.".

(B) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out "reference" in the item relating to section 221 and inserting "references".

(7) Paragraph (4) of section 642(c) of such Code (relating to adjustments for credits and deductions) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income).".

(8) Paragraph (3) of section 643(a) of such Code (relating to distribution of net income) is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for excess capital gains over capital losses) shall not be taken into account.".

(9) Paragraph (4) of section 691(c) of such Code (relating to deduction for estate tax) is amended by striking out "For purposes of sections 1(j), 1201, and 1211" and inserting "For purposes of sections 1(j), 1201, 1202, and 1211".

(10) The second sentence of paragraph (2) of section 871(a) of such Code (relating to capital gains of aliens present in the United States 183 days or more) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relat-

ing to deduction for capital gains) and" after "except that".

(11) Section 1402(i)(1) of such Code (relating to special rules for options and commodities dealers) is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply.".

(12) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1201, the following new item:

"Sec. 1202. Deduction for capital gains.".

SEC. 2. MAXIMUM CAPITAL GAINS RATE OF 21 PERCENT.

(a) IN GENERAL.—Subsection (j) of section 1 of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(j) MAXIMUM CAPITAL GAINS RATE.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(1) the lesser of—

"(A) the tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income, or

"(B) a tax equal to the sum of—

"(i) the tax computed at the rates and in the same manner as if this section had not been enacted on the taxable income reduced by the amount of net capital gain, plus

"(ii) a tax of 21 percent of the net capital gain, plus

"(2) the amount of the increase determined under subsection (g).".

(b) PHASEOUT OF 15-PERCENT RATE AND PERSONAL EXEMPTION NOT TO APPLY TO CAPITAL GAINS.—Subparagraph (A) of section 1(g)(1) of such Code (relating to phaseout of 15-percent rate and personal exemption) is amended by inserting ", reduced by the amount of net capital gain" after "taxable income".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.●

By Mr. GORE:

S. 870. A bill to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, to recapture and recycle such substances and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 871. A bill to institute a manufacturers' excise tax on certain ozone-depleting chemicals; to partially direct revenues from such excise tax toward an Ozone Layer Conservation Trust Fund for developing chemical and technological alternatives to ozone-depleting chemicals; and for other purposes; to the Committee on Finance.

S. 872. A bill to phaseout production of certain ozone-depleting chemicals; to institute a policy promoting safe alternatives to ozone-depleting chemicals; and for other purposes; to the Committee on Environment and Public Works.

OZONE LEGISLATION

Mr. GORE. Mr. President, I am introducing three pieces of legislation today, all of which are designed to complement a larger bill which I introduced on the first day of this session of Congress called the World Environment Policy Act of 1989. Since introducing that legislation, I have spent substantial additional time investigating aspects of the global ecological crisis. I intend to offer these specific bills as amendments to the larger bill at a later time, given the opportunity. But I wish to introduce them in separate form now. They all deal with a particular aspect of the global ecological crisis.

Many who have examined this crisis believe that one of the first actions we should take is to ban throughout the world, if possible, a particular category of chemicals called chlorofluorocarbons and a few other chemicals that are similar in nature. These chemicals are destroying the stratospheric ozone layer, which protects the life on Earth from dangerous ultraviolet radiation. These same chemicals are also responsible for approximately 20 percent of the greenhouse effect, or the global warming problem which, it is generally agreed, is the most serious environmental crisis the world has ever faced.

So, this three-part package of legislation is designed to help protect the stratospheric ozone layer and the world's climate system. The first bill, entitled the Consumer Ozone Protection Act of 1989, would in several cases eliminate from commerce the sale of certain consumer products that contain man-made substances that have been shown to deplete the stratospheric ozone layer. In other cases, it would require labeling and regulation of these products. In addition, this bill would promote the development of a chlorofluorocarbon and halon reclamation plan for the purpose of encouraging recapture and recyling of ozone-depleting substances.

The second bill, the Ozone Layer Conservation Act of 1989, would provide for a manufacturers' excise tax on certain chemicals that deplete the stratospheric ozone layer. This bill would establish an Ozone Layer Conservation Trust Fund in the Treasury Department and would direct that half of the revenues from the excise tax be placed into the trust fund, for the purpose of promoting research, development, and market incentives for technological alternatives to ozone-depleting chemicals.

The third bill, the Upper Ozone Chemicals Act of 1989, provides for a 5-year phaseout of six specific substances that deplete the stratospheric ozone layer, CFC-11, CFC-12, CFC-113, halon-1211, halon-1301, and carbon tetrachloride. It would also provide for a 10-year phaseout, of other somewhat less potent ozone-depleting substances, CFC-22, CFC-114, CFC-115, methyl chloroform, and methylene chloride. There are minor exceptions for uses that are shown to have a direct and needed applications for medical and national security reasons. This is a minor category where these chemicals are concerned. There are provisions for certifying that nations from which we import products that contain ozone-depleting chemicals have a similar phaseout program in place, and a requirement for safe disposal of ozone-depleting substances. Finally, the bill calls for developing a safe alternatives policy, for replacing the substances to be phased out with chemicals, product substitutes, or alternative manufacturing processes that reduce overall risk to public health and the environment.

Mr. President, tomorrow the nations which signed the Montreal protocol ratified by this body in the last Congress will begin meeting in Helsinki to consider new, tougher restrictions as amendments to that international protocol. I hope the participants in the international meeting are successful in their discussions this week.

The United States should, regardless, take the lead with measures like the ones that I have introduced today, and like the legislation which I introduced on the first day of this session of Congress.

Mr. President, I ask unanimous consent that the text of the bills and a summary of the provisions of the bills be printed in the RECORD.

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

S. 870

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 "Consumer Ozone Protection Act of 1989".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The United States can demonstrate to the world its commitment to conserve the ozone layer of the upper atmosphere by instituting market and regulatory strategies that—

(A) phaseout certain consumer products that unnecessarily release ozone-depleting substances;

(B) immediately reduce emissions of ozone-depleting substances;

(C) encourage rapid replacement of ozone-depleting substances with safe substitutes and alternative technologies; and

(D) encourage efficient recapture and recycling of ozone-depleting substances.

(2) The highest priority must be given to developing and deploying safe alternative substances and technologies to replace ozone-depleting substances within five years.

(3) Development of alternative substances and technologies to replace ozone-depleting substances will be hastened by effective government-industry cooperation to find such alternatives, including promotion of research, development, and market incentives for such alternatives.

SEC. 3. NATIONAL GOAL.

It is the national goal under this Act to—

(1) label, regulate the servicing of, and eliminate certain consumer products that contain manmade substances with the potential for depleting ozone in the upper atmosphere; and

(2) promote development of a Chlorofluorocarbon and Halon Reclamation Plan for the purpose of encouraging the recapture and recycling of such substances.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "alternative technologies" means any technology that performs a service, without the use of ozone-depleting substances listed under section 10 as components of its manufacture or operation, which was previously performed by technologies that require the use of such ozone-depleting substances as components of their manufacture or operation.

(2) The term "chlorofluorocarbon recapture equipment" means equipment that has been approved for the recapture of chlorofluorocarbons from stationary air conditioners, refrigerators, and freezers.

(3) The term "chlorofluorocarbon recycling facility" means any facility which accepts chlorofluorocarbons for the purpose of recycling them through equipment that meets purity standards of the Air Conditioning and Refrigeration Institute for the purification of chlorofluorocarbons from stationary air conditioners, refrigerators, and freezers.

(4) The term "commerce" means—

(A) commerce between a place in a State and any place outside that State;

(B) commerce within the District of Columbia or any territory or possession of the United States; and

(C) commerce which affects commerce described in subparagraph (A) or (B).

(5) The term "consumer products" means consumer products offered for sale at the wholesale or retail level.

(6) The term "manufactured substance" means any organic or inorganic chemical of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

(7) The term "mobile air conditioner" means an air conditioner designed for installation in a motor vehicle.

(8) The term "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, or of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality).

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" means any of the States of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

SEC. 5. MOBILE AIR CONDITIONERS.

(a) Within eighteen months after the date of enactment of this Act, any person who installs, services, or repairs mobile air conditioners shall use chlorofluorocarbon recapture equipment and shall ensure that the recaptured chlorofluorocarbons are, in a timely manner, picked up and delivered to a chlorofluorocarbon recycling facility. The States shall establish phased schedules for the acquisition of such equipment by establishments carrying out such installation, service, or repair. The schedules shall provide for early acquisition by high-volume establishments and subsequent acquisition by lower-volume establishments, and shall ensure that all such establishments have chlorofluorocarbon recapture equipment in place within eighteen months after the date of enactment of this Act.

(b) Within ninety days after the date of enactment of this Act, no person shall sell or distribute, or offer for sale or distribution, in commerce any chlorofluorocarbons suitable for use in mobile air conditioners in containers smaller than thirty pounds, unless the container bears a warning label as specified in section 8.

(c) Within nine months after the date of enactment of this Act, no person shall sell or distribute, or offer for sale or distribution, in commerce chlorofluorocarbons suitable for use in mobile air conditioners in containers smaller than thirty pounds. The States shall issue regulations providing for a phaseout of the sale of chlorofluorocarbons in such containers in the period within six months after the date of enactment of this Act.

(d) Within nine months after the date of enactment of this Act, no person shall recharge mobile air conditioners with chlorofluorocarbons, without first testing the mobile air conditioner system for leaks and repairing any leaks found in such system.

SEC. 6. FIRE EXTINGUISHERS FOR CONSUMER APPLICATIONS.

Within nine months after the date of enactment of this Act, no person shall sell or distribute, or offer for sale or distribution, in commerce fire extinguishers that contain halons or any ozone-depleting substances listed under section 10 of this Act, except for applications required by Federal law.

SEC. 7. NONESSENTIAL CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS.

Within six months after the date of enactment of this Act, no person shall sell or distribute, or offer for sale or distribution, in commerce chlorofluorocarbon-propelled plastic party streamers and noise horns, chlorofluorocarbon-containing cleaning fluids for electronic and photographic equipment, or any other consumer products which are capable of releasing into the atmosphere substances listed under section 10 of this Act and are determined by the Secretary to be nonessential.

SEC. 8. LABELING REQUIREMENT.

(a) REQUIREMENT.—Any consumer product that contains, is produced with, or is produced from a substance listed under section 10 of this Act shall be labeled in accordance with regulations issued by the Consumer Product Safety Commission under subsection (c) with the appropriate label, as follows:

(1) If the consumer product contains a substance listed under section 10: "GOVERNMENT WARNING: This Product is manufactured with (insert name of listed substance), Which Destroys the Earth's Protective Ozone Layer, and Disrupts the Earth's Climate. Destroying the Ozone Layer Greatly Increases the Risk of Skin Cancer and Harms Natural Systems, Including Food Production.".

(2) If the consumer product is manufactured by a process that involves the use of a substance listed under section 10: "GOVERNMENT WARNING: This Product is Manufactured With (insert name of listed substance), Which Destroys the Earth's Protective Ozone Layer, and Disrupts the Earth's Climate. Destroying the Ozone Layer Greatly Increases the Risk of Skin Cancer and Harms Natural Systems, Including Food Production.".

(3) If the consumer product is produced from a substance listed under section 10: "GOVERNMENT WARNING: This Product Is Produced From (insert name of listed substance), Which Destroys the Earth's Protective Ozone Layer, and Disrupts the Earth's Climate. Destroying the Ozone Layer Greatly Increases the Risk of Skin Cancer and Harms Natural Systems, Including Food Production.".

(b) PROHIBITION.—Effective nine months after the date of enactment of this Act, no person shall sell or distribute, or offer for sale or distribution, in commerce any consumer product required to be labeled under this section unless such product meets the requirements of this section and any regulations issued thereunder.

(c) REGULATIONS.—The Consumer Product Safety Commission shall issue regulations to implement subsection (a) within three months after the date of enactment of this Act. The regulations shall require the appropriate label to be prominently displayed on the consumer products subject to this section, and to be clearly visible to persons who purchase the product at retail.

(d) ENFORCEMENT.—A product that is not labeled in accordance with this section shall be considered a misbranded hazardous substance, subject to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), except that the penalty for failure to label shall be a fine of 20 percent of the value of the product, a term of imprisonment of one year, or both.

SEC. 9. CHLOROFLUOROCARBON AND HALON RECLAMATION.

(a) RECLAMATION PLAN.—Within eighteen months after the date of enactment of this Act, the Secretary shall issue a Chlorofluorocarbon and Halon Reclamation Plan. The Plan shall provide for the most effective way of ensuring widespread reclamation, recycling, or regulated disposal of all substances listed under section 10 of this Act, contained in more than de minimis amounts in any consumer product or other item sold in commerce. The goal of the Plan shall be to minimize releases of such substances and to otherwise provide maximum environmental benefit. The Secretary shall consider at a minimum, the following:

(1) a deposit fee system, similar to those employed for bottle and can recycling in certain States, in which deposit fees would be charged on consumer products and other items containing such substances, the deposit fees would be refunded upon return for recycling or disposal of such substances or of items containing such substances, and such products and other items would bear labels advising of such refundable deposit fees;

(2) the return to, and acceptance by, retail merchants or their agents for purposes of pickup and delivery of such consumer products and other items; and

(3) government-operated local or regional collection facilities or services.

(b) PROHIBITION.—Effective twelve months after the date of enactment of this Act, no person shall sell or distribute, or offer for sale or distribution, in commerce any con-

sumer product containing any substance listed under section 10 of this Act, unless an aperture has been installed on such product that allows such substance to be removed without the release of the substance into the atmosphere.

SEC. 10. LISTING OF REGULATED SUBSTANCES.

(a) PRIORITY SUBSTANCES TO BE REGULATED.—Within sixty days after the date of enactment of this Act, the Secretary shall publish a priority list of manufactured substances that are known or may reasonably be anticipated to cause or contribute to ozone depletion in the upper atmosphere. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, halon-1211, halon-1301, and carbon tetrachloride. At any time the Secretary may add to the priority list other manufactured substances, including any listed under subsection (b), if concerns over protection of the upper atmosphere ozone layer dictate such action.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Secretary shall publish a list of other manufactured substances that, in the judgment of the Secretary, meets the criteria set forth in the first sentence of subsection (a). The list of other consumer products shall include chlorofluorocarbon-22, chlorofluorocarbon-114, chlorofluorocarbon-115, methyl chloroform, and methylene chloride. At least annually thereafter, the Secretary shall publish a proposal to add to such list each other manufactured substance that, in the judgment of the Secretary, meets the criteria set forth in the first sentence of subsection (a). Within one hundred and eighty days after any such proposal, following an opportunity for public comment, the Secretary shall issue a rule adding each such substance to the list, unless the Secretary determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a).

SEC. 11. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) Whenever on the basis of any information the Secretary determines that any person has violated or is in violation of any requirement of this Act, the Secretary may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Secretary may commence, in the United States district court in the district in which the violation occurred, a civil action for appropriate relief, including a preliminary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Secretary under this Act and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 for each violation of a requirement of this Act. In assessing such a penalty the Secretary shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Secretary shall promptly conduct a public hearing. In connection with any proceeding under this section the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may issue rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Secretary may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Secretary may suspend or revoke any permit issued to the violator under this Act.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly violates section 5, 6, 7, 8, or 9; or

(2) knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this Act shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction for a violation, the maximum applicable punishment shall be doubled with respect to both fine and imprisonment.

(e) VIOLATIONS.—Each day of violation of any requirement of this Act shall, for purposes of this section, constitute a separate violation.

SEC. 12. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any final action of the Secretary pursuant to this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Secretary may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within the ninety day period beginning on the date of such final action or after such period if such petition is for review based solely on grounds arising after such period;

(2) action of the Secretary with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(3) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper and the Secretary may modify administrative findings as to the facts, or make new findings by reason of the additional evidence presented.

SEC. 13. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this Act; or

(2) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.

Any action under paragraph (1) of this subsection shall be brought in the United States district court of the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the United States district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Secretary to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 11.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(1) prior to sixty days after the plaintiff has given notice of the violation to—

(A) the Secretary; and

(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

(2) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require a compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) NOTICE.—No action may be commenced under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Secretary that he will commence such action. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Secretary, if not a party, may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 12, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Secretary).

SEC. 14. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 15. AUTHORITY OF SECRETARY.

The Secretary is authorized to prescribe such regulations as are necessary to carry out this Act.

CONSUMER OZONE PROTECTION ACT OF 1989

Summary: The Bill would label, regulate, and—in some cases—eliminate the sale of certain consumer products that contain manmade substances that have been shown to deplete the stratospheric ozone layer. In addition, it promotes the development of a Chlorofluorocarbon and Halon Reclamation Plan for the purpose of encouraging recapture and recycling of ozone-depleting substances.

Specific provisions include:

MOBILE AIR CONDITIONERS

Regulates auto air conditioner servicing, to ensure that chlorofluorocarbons (CFCs) are recaptured and recycled, and not unnecessarily vented to the atmosphere. (About 30% of U.S. emissions of CFC-12 originate from auto air conditioners, and three-quarters of those emissions occur during maintenance and recharging.)

Eliminates the sale of CFC-containing air conditioner recharge cannisters smaller than 30 pounds. (This provision is intended to limit the sale of CFC-containing air conditioner fluid to bulk purchasers—servicers—only.)

Requires that any servicer who recharges an auto air conditioner with CFC-containing fluids, first test the system for leaks and repair those leaks.

FIRE EXTINGUISHERS FOR CONSUMER APPLICATIONS

Eliminates the sale of fire extinguishers that contain ozone-depleting substances for consumer applications, except for those applications required by Federal law.

NONESSENTIAL CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS

Eliminates the sale of certain nonessential CFC-containing consumer products (e.g., party streamers, noise horns, certain cleaning fluids.)

LABELING

Labels consumer products that contain ozone-depleting chemicals, or use such chemicals in their manufacture or operation. The label would warn that the product's contents or manufacturing process pose a danger to the stratospheric ozone layer, and that depletion of the ozone layer could lead to increased risk of skin cancer and damage to natural systems, including food production.

CHLOROFLUOROCARBON AND HALON RECLAMATION PLAN

Calls for a Chlorofluorocarbon and Halon Reclamation Plan, for the purpose of determining the most effective way to ensure widespread reclamation, recycling, or regulated disposal of the ozone-depleting chemicals covered by the Act.

S. 871

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 "Ozone Layer Conservation Act of 1989.".

SEC. 2. OBJECTIVES AND NATIONAL GOAL.

The objectives of this Act are to protect human health and natural ecosystems from all known and potential dangers due to depletion of the stratospheric ozone layer, which is or would be caused by manmade chemicals such as the chlorofluorocarbons, halons, or other chemicals covered by this Act by—

(1) instituting a manufacturers' excise tax on certain ozone-depleting chemicals;

(2) directing a portion of the revenues from such excise tax toward research, development, and market incentives for technological alternatives to such chemicals; and

(3) promoting the development of such alternative technologies for applications in developing countries.

SEC. 3. MANUFACTURERS' EXCISE TAX ON CHEMICALS THAT DEPLETE THE STRATOSPHERIC OZONE LAYER.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Ozone Depleting Chemicals, Etc.

"Sec. 4681. Imposition of tax.

"Sec. 4682. Definitions and special rules.

"SEC. 4681. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on—

"(1) any ozone-depleting chemical sold or used by the manufacturer, producer, or importer thereof, and

"(2) any imported taxable product sold or used by the importer thereof.

"(b) AMOUNT OF TAX.—

"(1) OZONE-DEPLETING CHEMICALS.—

"(A) IN GENERAL.—The amount of the tax imposed by subsection (a) on each pound of ozone-depleting chemical shall be an amount equal to—

"(i) the base tax amount, multiplied by

"(ii) the ozone-depletion factor for such chemical.

"(B) BASE TAX AMOUNT.—Except as provided in subsection (c), the base tax amount for purposes of subparagraph (A) with respect to any sale or use during a calendar year is the amount determined under the following table for such calendar year:

"Calendar year:	"Base tax amount:
1990	$1
1991	2
1992	3
1993	4
1994 or thereafter	5.

"(2) IMPORTED TAXABLE PRODUCT.—

"(A) IN GENERAL.—The amount of the tax imposed by subsection (a) on any imported taxable product shall be the amount of tax that would have been imposed by subsection (a) on the ozone-depleting chemicals used as materials in the manufacture or production of such product if such ozone-depleting chemicals had been sold in the United States for use in the manufacture or production of such imported taxable product.

"(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2) and (3) of section 4671(b) shall apply.

"(c) INFLATION ADJUSTMENT OF BASE TAX AMOUNT.—

"(1) IN GENERAL.—In the case of any article sold or used in a calendar year after 1990, the base tax amount applicable to such year under subsection (b) shall be the amount (determined by the Secretary) equal to—

"(A) the dollar amount specified in subsection (b)(1)(B) for such calendar year increased by

"(B) the product of—

"(i) the dollar amount so specified, and

"(ii) the inflation adjustment for such calendar year.

"(2) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for a calendar year is the percentage (if any) by which—

"(i) the applicable price index for the preceding calendar year, exceeds

"(ii) the applicable index for 1989.

"(B) APPLICABLE PRICE INDEX.—For purposes of subparagraph (A), the applicable price index for any calendar year is the average of the producer price index for basic inorganic chemicals (as published by the Secretary of Labor) for the months in the 12-month period ending on September 30 of such calendar year.

"(3) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of 10 cents, such increase shall be rounded to the nearest multiple of 10 cents (or if such increase is a multiple of 5 cents, such increase shall be increased to the nearest multiple of 10 cents).

"SEC. 4682. DEFINITIONS AND SPECIAL RULES.

"(a) OZONE-DEPLETING CHEMICAL.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'ozone-depleting chemical' means any substance—

"(A) that, at the time of the sale or use by the manufacturer, producer, or importer, is listed as an ozone-depleting chemical by the Secretary for purposes of this subchapter, and

"(B) that is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) DETERMINATION OF SUBSTANCES ON LIST.—A substance shall be listed under paragraph (1) if—

"(A) the substance is specified in the list under paragraph (3), or

"(B) the Secretary determines that the substance is known, or may reasonably be anticipated, to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion.

If, after enactment of this section, a substance not listed under paragraph (1) becomes subject to regulation under a treaty that regulates ozone-depleting substances and to which the United States is a party, the Secretary shall list such substance under paragraph (1) not later than day 60 days after the substance became so subject.

"(3) INITIAL LIST OF OZONE-DEPLETING CHEMICALS.—

"Common name	"Chemical nomenclature
CFC-11	trichlorofluoromethane
CFC-12	dichlorodifluoromethane
CFC-22	chlorodifluoromethane
CFC-113	trichlorotrifluoromethane
CFC-114	1,2-dichloro-1,1,2,2,-tetrafluoroethane
CFC-115	chloropentafluoroethane
Carbon tetrachloride	tetrachloromethane
Methyl chloroform	1,1,1,-trichloroethane
Methylene chloride	dichloromethane
Halon-1211	bromochlorodifluoromethane
Halon-1301	bromotrifluoromethane

"(4) MODIFICATIONS TO LIST.—The Secretary may add substances to or remove substances from the list under paragraph (3) (including items listed by reason of paragraph (2)(B)) as necessary to carry out the purposes of this subchapter.

"(b) OZONE-DEPLETING FACTORS.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'ozone-depleting factor' means, with respect to an ozone-depleting chemical, the numerical value assigned by

the Secretary that represents the ozone depletion potential of such chemical on a mass (per kilogram) basis, as compared with the ozone depletion potential of CFC-11.

"(2) INITIAL OZONE-DEPLETING FACTORS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an ozone-depleting chemical specified in the following table, the ozone-depleting factor shall be as follows:

"Ozone-depleting chemical	"Ozone-depleting factor:
CFC-11	1.0
CFC-12	1.0
CFC-22	0.05
CFC-113	0.78
CFC-114	0.7
CFC-115	0.6
Carbon tetrachloride	1.06
Methyl chloroform	0.1
Methylene chloride	0.1
Halon-1211	2.69
Halon-1301	11.43

"(B) MODIFICATIONS TO OZONE-DEPLETING FACTORS.—The Secretary may, as necessary to carry out the purposes of this subchapter, prescribe ozone-depleting factors that will apply in lieu of the ozone-depleting factors specified in subparagraph (A).

"(c) IMPORTED TAXABLE PRODUCT.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'imported taxable product' means any substance (other than an ozone-depleting chemical) if any ozone-depleting chemcial was used as material in the manufacture or production of such substance.

"(2) DE MINIMIS EXCEPTION.—The term 'imported taxable product' shall not include any substances specified in regulations prescribed by the Secretary as containing a de minimis amount of ozone-depleting chemicals. The preceding sentence shall not apply with respect to any substance if any ozone-depleting chemical is used for purposes of refrigeration or air conditioning, creating an aerosol or foam, or in the production of electronic components.

"(d) EXCEPTION FOR RECYCLING.—No tax shall be imposed by section 4681 on any ozone-depleting chemical that is diverted or recovered in the United States as part of a recycling process (and not as part of the original manufacturing or production process).

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) IMPORTER.—The term "importer" means the person entering the article for consumption, use, or warehousing.

"(2) UNITED STATES.—The term "United States" has the meaning given such term by section 4612(a)(4).

"(f) SPECIAL RULES.—

"(1) FRACTIONAL PARTS OF A POUND.—In the case of a fraction of a pound, the tax imposed by section 4681 shall be the same fraction of the amount of such tax imposed on a whole pound.

"(2) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) of section 7652 shall not apply to any tax imposed by section 4681.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by adding at the end thereof the following new item:

"Subchapter D. Ozone-depleting chemicals, etc."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 3. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—On any ozone-depleting chemical specified in section 4682(a)(3) of the Internal Revenue Code of 1986 that on January 1, 1990, is held by a dealer for sale, there is hereby imposed a floor stocks tax in an amount equal to the tax that would be imposed under section 4681 of such Code on such chemical if such chemical were sold during 1990 by the manufacturer thereof.

(b) APPLICATION OF OTHER LAWS.—All other provisions of law, including penalties, applicable with respect to the taxes imposed by section 4681 of such Code shall apply to the floor stocks tax imposed by this section.

(c) DUE DATE OF TAX.—The taxes imposed by this section shall be paid before February 14, 1990.

(d) DEFINITIONS.—For purposes of this section—

(1) DEALER.—The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(2) HELD BY A DEALER.—An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to the dealer has been made) and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

SEC. 4. OZONE LAYER CONSERVATION TRUST FUND.

(a) CREATION OF TRUST FUND.—

(1) IN GENERAL.—There shall be established in the Treasury of the United States a trust fund to be known as the "Ozone Layer Conservation Trust Fund", consisting of such amounts as may be appropriated or credited to the Ozone Layer Conservation Trust Fund.

(2) TRUSTEES.—The trustees of the Ozone Layer Conservation Trust Fund shall be the Secretary of the Treasury, the Secretary of Energy, and the Administrator of the Environmental Protection Agency.

(b) TRANSFER OF CERTAIN TAXES.—There shall be appropriated to the Ozone Layer Conservation Trust Fund amounts equivalent to one-half of the taxes received in the Treasury under the manufacturers' excise tax instituted in section 3 of this Act.

(c) EXPENDITURES FROM TRUST FUND.—

(1) DEVELOPMENT OF STRATEGIC PLAN.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall develop a strategic plan for the disbursement of funds from the Ozone Layer Conservation Trust Fund. Such plan shall be delivered to the Congress within six months of the enactment of this Act.

(2) CONSIDERATIONS FOR STRATEGIC PLAN.—

(A) GENERAL CONSIDERATIONS.—The strategic plan shall provide for federal government-private sector cooperation in research, development, and deployment of non-ozone-depleting chemical and technological alternatives to the ozone-depleting substances listed in section 2. Such plan shall seek to hasten the development and deployment of such alternative technologies with maximal environmental benefit in terms of both the stratospheric ozone layer, and energy-efficiency. Such plan shall also seek to develop such alternative technologies that are suitable for export to the developing world.

(B) SPECIFIC CONSIDERATIONS.—

(i) Research, development, and deployment of air conditioning and refrigeration equipment that does not rely on the ozone-depleting substances listed in section 3, is energy-efficient, is suitable for applications in the developing world, and is capable of being powered by thermal, direct-current electric, and alternating-current electric power sources.

(ii) Block purchases of such air conditioning and refrigeration equipment by the federal government, for the purpose of providing an initial market for such technologies; such block purchases should be carried out every eighteen to twenty-four months, with increasing performance standards required for each subsequent block purchase.

(iii) The feasibility of granting preferential status to such air conditioning and refrigeration equipment in Federal procurement.

(iv) The means by which the Federal Government might assist United States manufacturers of such air conditioning and refrigeration equipment, in exporting such equipment.

OZONE LAYER CONSERVATION ACT OF 1989

Summary: The Bill calls for a manufacturers' excise tax on certain chemicals that deplete the stratospheric ozone layer; establishes an Ozone Layer Conservation Trust Fund in the Treasury Department; and directs half of the revenues from the excise tax into the Trust Fund for the purpose of promoting research, development, and market incentives for technological alternatives to ozone-depleting chemicals.

Specific provisions include:

MANUFACTURERS' EXCISE TAX ON CHEMICALS THAT DEPLETE THE STRATOSPHERIC OZONE LAYER

Amends the Internal Revenue Code of 1986 to impose a manufacturers' excise tax on certain chemicals that deplete the stratospheric ozone layer. The amount of the tax is adjusted for each chemical, depending upon the chemical's potential for depleting stratospheric ozone.

A similar bill has been introduced in the House of Representatives by Rep. Stark, with 59 co-sponsors; according to a Joint Committee on Taxation study, this measure would raise 0.4 billion in the first year, 0.8 billion in the second year, 1.1 billion in the third year, 1.3 billion in the fourth year, and 1.5 billion in the fifth year.

OZONE LAYER CONSERVATION TRUST FUND

Would receive one-half of the revenues from the manufacturers' excise tax.

Expenditures from the Trust Fund would provide for government-industry cooperation in research, development, and market incentives for non-ozone-depleting chemical and technological alternatives (such as new refrigerator and air conditioner designs) to ozone-depleting substances.

In addition, the federal government would investigate the means by which it might assist United States manufacturers of such alternative technologies, in exporting the equipment for applications in developing and developed countries.

S. 872

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper-Ozone Chemicals Act of 1989."

SEC. 2. FINDINGS.

The Congress finds that because no level of stratospheric ozone depletion or global

climate change caused by human activities can be deemed safe—

(1) emissions of chlorofluorocarbons and other substances covered by this Act, including halogenated carbons with ozone-depleting potential, should be terminated rapidly;

(2) the highest priority must be given to developing and deploying safe alternative chemicals and technologies to replace ozone-depleting substances within five years; and

(3) production of the most dangerous ozone-depleting substances must be phased out within five years.

SEC. 3. OBJECTIVES AND NATIONAL GOAL.

(a) The objectives of the Act are to protect human health and natural ecosystems from all known and potential dangers due to depletion of the stratospheric ozone layer, which is or would be caused by consumer products containing chlorofluorocarbons, halons, or other chemicals covered by this Act by—

(1) phasing out production of the most dangerous ozone-depleting substances within five years; and

(2) promoting the development of safe alternatives to the use of the chlorofluorocarbons and other chemicals covered by this Act.

(b) In order to achieve the objectives of this Act, it is the national goal to phase out production of chemicals with the potential for depleting stratospheric ozone.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "household appliances" means non-commercial personal effects, including air-conditioners, refrigerators, and motor vehicles.

(3) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) The term "manufactured substance" means any organic or inorganic chemical of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

(5) The term "medical purposes" means medical devices and diagnostic products (A) for which no safe substitute has been developed and (B) that, after notice and opportunity for public comment, have been approved and determined to be essential by the Commission of the Food and Drug Administration, in consultation with the Administrator.

(6) The term "person" means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, or of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality).

(7) The term "ozone depletion potential" means the chemical effectiveness with which a substance depletes stratospheric ozone, relative to chlorofluorocarbon-11.

(8) The term "substances covered by this Act" means those manufactured chemicals that are listed under subsections (a) or (b) of section 5 of this Act.

SEC. 5. LISTING OF REGULATED SUBSTANCES.

(a) PRIORITY REGULATED SUBSTANCES.—Within sixty days after the date of enactment of this Act, the Administrator shall publish a priority list of manufactured substances that are known or may reasonably be anticipated to cause or contribute to stratospheric ozone depletion. The initial list shall include chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-13, halon-1211, halon-1301, and carbon tetrachloride.

(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall publish a list of other manufactured substances that, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a). The list of other manufactured substances shall include chlorofluorocarbon-22, chlorofluorocarbon-114, chlorofluorocarbon-115, methyl chloroform, and methylene chloride. At least annually thereafter, the Administrator shall publish a proposal to add to such list each other manufactured substance that, in the judgment of the Administrator, meets the criteria set forth in the first sentence of subsection (a). Within one hundred and eighty days after any such proposal, following an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a). At any time, the Administrator may reclassify a substance from subsection (b) to subsection (a), if concerns over protection of the stratospheric ozone layer dictate such action.

(c) OZONE DEPLETION FACTOR.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance a numerical value representing the ozone depletion potential of each manufactured substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11. The numerical value shall, for the purposes of section 9, constitute the ozone depletion factor of each chemical. Until the Administrator promulgates regulations under this subsection, the following ozone depletion factors shall apply:

Chlorofluorocarbon-11	1.0
Chlorofluorocarbon-12	1.0
Chlorofluorocarbon-22	0.05
Chlorofluorocarbon-113	0.78
Carbon tetrachloride	1.06
Methyl chloroform	0.10
Halon-1211	2.69
Halon-1301	11.43

SEC. 6. REPORTING REQUIREMENTS.

(a) PRIORITY REGULATED SUBSTANCES.—Within ninety days after the date of enactment of this Act, each person producing or importing a substance listed pursuant to subsection (a) of section 5 of this Act shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during calendar year 1986. Not less than annually thereafter, each such producer or importer shall file a report with the Administrator setting forth the production levels of such substance in each successive twelve-month period until such producer or importer ceases production or importation of the substance. Each such report shall be signed and attested by a responsible corporate officer.

(b) OTHER REGULATED SUBSTANCES.—Within ninety days after the date of enactment of this Act, each person producing or importing a substance listed pursuant to subsection (b) of section 5 of this Act shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during the twelve months preceding the date of listing. Not less than annually thereafter, each such producer or importer shall file a report with the Administrator setting forth the production or importation levels of such substance in each successive twelve-month period until such producer or importer ceases production or importation of the substance. Each such report shall be signed and attested by a responsible corporate officer.

SEC. 7. PRODUCTION PHASEOUT.

(a) Effective one year after the date of enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 of this Act in annual quantities greater than that produced by such person during calendar year 1986.

(b) Effective two years after the date of enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 of this Act in annual quantities greater than 75 per centum of that produced by such person during calendar year 1986.

(c) Effective three years after the date of enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 of this Act in annual quantities greater than 50 per centum of that produced by such person during calendar year 1986.

(d) Effective four years after the date of enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 of this Act in annual quantities greater than 5 per centum of that produced by such person during calendar year 1986.

(e) Effective five years after the date of enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to subsection (a) of section 5 of this Act for any use other than medical purposes.

(f) Effective ten years after the date of enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to section 5 of this Act for any use other than for medical purposes.

SEC. 8. LIMITATION ON USE.

(a) Effective five years after the date of enactment of this Act, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (a) of section 5 of this Act except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, during a period not to extend beyond January 1, 2005, for purposes of maintaining and servicing household appliances.

(b) Effective ten years after the date of enactment of this Act, it shall be unlawful to introduce into interstate commerce or to use a substance listed under subsection (b) of section 5 of this Act except for medical purposes approved by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, and, during a period not to extend beyond January 1, 2005, for purposes of maintaining and servicing household appliances. For purposes of this subsection and section 7(f), a manufacturing process utilizing such a substance solely as an intermediate in a manufacturing process in which the substance is

wholly consumed and none is released does not constitute a use.

SEC. 9. LIMITATION ON OZONE DEPLETION POTENTIAL.

(a) Effective one year after the date of enactment of this Act, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each substance under subsection (c) of section 5 of this Act, yield a total ozone depletion potential greater than that produced by such person during calendar year 1986.

(b) Effective two years after enactment of this Act, it shall be unlawful for any person to produce substances covered by this Act in annual quantities that, based upon the ozone depletion factor assigned to each substance under subsection (c) of section 5, yield a total ozone depletion potential greater than 75 per centum of that produced by such person during calendar year 1986.

(c) Effective three years after enactment of this Act, it shall be unlawful for any person to produce substances covered in this Act in annual quantities that, based upon the ozone depletion factor assigned to each substance under subsection (c) of section 5, yield a total ozone depletion potential greater than 50 per centum of that produced by such person during calendar year 1986.

(d) Effective four years after enactment of this Act, it shall be unlawful for any person to produce substances covered in this Act in annual quantities that, based upon the ozone depletion factor assigned to each substance under subsection (c) of section 5, yield a total ozone depletion potential greater than 5 per centum of that produced by such person during calendar year 1986.

(e) Effective five years after enactment of this Act, it shall be unlawful for any person to produce a substance listed pursuant to section 5(a) of the Act for any use other than for medical purposes.

(f) If the Administrator determines that such revised or specific schedule is necessary to protect human health and the environment based on new information regarding the harmful effects on the stratosphere or climate that may be associated with a listed substance, or is attainable, based on the availability of substitutes for a listed substance, the Administrator shall promulgate regulations, after notice and opportunity for public comment, which require each producer to reduce its production of the substance—

(1) if the substance is listed under subsection (a) of section 5 of this Act, more rapidly than the schedule provided under this Act; or

(2) if the substance is listed under subsection (b) of section 5, on a specific schedule not otherwise provided for in this Act.

Any person may petition the Administrator to revise such regulations within one hundred and eighty days after receipt of any such petition, unless the Administrator has previously denied the petition.

SEC. 10. PRODUCTION PHASEOUT EXCEPTION FOR NATIONAL SECURITY.

(a) The President may issue such orders regarding production and use of halon-1211 and halon-1301 at any specified site or facility as may be necessary to protect the national security interests of the United States if the President personally finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this Act. The President shall notify the Congress within thirty days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for granting the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exception shall be for a specified period that shall not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriations unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

(b) The Secretary of Defense shall seek to eliminate all emissions of halon-1211 and halon-1301 that presently occur during the testing of fire-extinguishing equipment. In so doing, the Secretary of Defense shall investigate the feasibility of testing such equipment with alternative methods that do not result in the release of halon-1211 and halon-1301 into the atmosphere.

SEC. 11. CERTIFICATION OF EQUIVALENT FOREIGN PROGRAMS.

(a) IMPORTS.—Effective twelve months after the date on which a substance is placed on the priority list pursuant to section 5 of this Act, it shall be unlawful for any person to import such substance, any product containing such substance, or any product manufactured with a process that uses such substance unless the Administrator, in consultation with the Secretary of State, has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substances, and limit production of other substances covered by this Act, on a schedule and in a manner at least as stringent as the reduction schedule for, and limitations on, domestic production that apply under this Act. The prohibition on the import of any product manufactured with a process that uses a substance listed under subsection (a) of section 5 shall include, after notice and opportunity for public comment, any product that the Administrator has reason to believe may have been manufactured with a process that uses such substance. The Administrator's decision that a product may have been manufactured with a process that uses such substance shall constitute a rebuttable presumption.

(b) CERTIFICATION OF FOREIGN PROGRAMS.—The Administrator shall not certify any foreign program under subsection (a) unless it is determined that—

(1) the nation involved has adopted legislation or regulations that gives the reduction schedule for each listed substance the force of law; and

(2) such legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this Act, and that the information contained in such reports is available to the Administrator and the Secretary of State.

(c) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary of State, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(d) ALLOCATION.—Any person who imports a substance covered by this Act or a product containing such substance shall, for the purposes of applying the provisions of section 7 and section 9, be deemed to have produced an equivalent amount of such substance on the date of such importation.

SEC. 12. MANUFACTURE AND DISPOSAL.

(a) MANUFACTURE.—Effective July 1, 1991—

(1) No person shall manufacture, process, distribute in commerce or otherwise use (except for medical purposes) any listed substance in any manner other than a totally enclosed manner. "Totally enclosed" means that during the lifetime of the good in question not more than 5 per centum of the original charge or volume of such substance will be released during the course of ordinary and customary use of such good, including repairs or disposal.

(2) No person shall manufacture, process, distribute in commerce, or otherwise use (except for medical purposes) a listed substance in a totally enclosed manner without—

(A) installing on such device a servicing aperture that will allow service and repair of such good with release of only de minimis amounts of such substance,

(B) assuring the availability and actual use of servicing equipment adequate to assure the achievement of no more than a de minimis release of such substance.

(b) DISPOSAL.—Effective January 1, 1991—

(1) A substance listed pursuant to this Act shall be deemed to meet the requirements of section 3001 of the Resource Conservation and Recovery Act.

(2) A substance listed pursuant to this Act shall be disposed of only through incineration or other means that assures 99 per centum destruction of such substance.

(3) Any applicance, machine, or other good containing a listed substance in bulk (including refrigerators and air conditioners) shall be accepted for disposal only by persons licensed to accept such goods and shall be disposed of only after such substance has been removed from confinement and destroyed pursuant to the requirements of this Act. Unless and until regulations establishing a program for approving, licensing, and assuring the financial responsibility of persons to accept goods containing such substances are promulgated, only governmental entities, or their agents, contractors or employees, are authorized to accept such goods.

(4) No listed substance shall be vented into the atmosphere or otherwise released in a fashion that permits it to enter the environment in other than de minimis quantities.

(5) Any product in which a listed substance has been incorporated so as to constitute an inherent element of such product, including rigid and soft foams, shall be disposed of only through incineration or other means that result in not less than 99 per centum destruction.

(c) For purposes of this section a "de minimis" amount is 0.050 per centum of the total charge of such substance or five pounds, whichever is less, released during a period of twelve months.

SEC. 13. SAFE ALTERNATIVES POLICY.

(a) POLICY.—The substances listed in section 5 of this Act shall, to the maximum extent practicable, be replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to public health and the environment.

(b) REVIEWS AND REPORT.—The Administrator shall initiate, not less than thirty days after the date of enactment of this Act, a review of relevant professional, technical, and scientific sources that may contain information concerning chemicals, product substitutes, or alternative manufacturing processes that are potential replacements for the substances listed in section 5 of this Act. The Administrator shall report interim findings to the Congress no later than six months after the date of enactment of this Act. A final report shall be published no later than one year after the date of enactment of this Act.

(c) REPORT FINDINGS.—The report required under section (b) shall include the Administrator's findings with regard to—

(1) the identity of potential replacement chemicals, product substitutes, or alternative production processes;

(2) a chemical profile or an abstract that describes each replacement chemical, product substitute, or alternative production process identified pursuant to paragraph 1, and any health or environmental hazards, including the potential for contributing to the greenhouse effect and stratospheric ozone depletion; and

(3) the earliest date by which each replacement chemical, product substitute, or alternative production process identified pursuant to paragraph 1 could be made available for commercial use.

(d) ADDITIONAL MEASURES.—The Administrator shall require all producers of replacement chemicals for the substances listed in section 5 of this Act to provide the Environmental Protection Agency with all published and unpublished health and safety studies on such replacement chemicals, and shall require all such producers to notify the Environmental Protection Agency at least sixty days before such replacement chemicals are introduced for commercial use.

(e) ANNUAL UPDATING.—The Administrator shall update the report required by section (b), on an annual basis.

SEC. 14. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this Act, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence, in the United States district court in the district in which the violation occurred, a civil action for appropriate relief, including a preliminary or permanent injunction.

(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this Act and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 for each violation of a requirement of this Act. In assessing such a penalty the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator under this Act.

(d) CRIMINAL PENALTIES.—Any person who—

(1) knowingly exceeds the production limits under section 7 or section 9;

(2) knowingly introduces into interstate commerce a consumer product that is in violation of section 5, 6, or 9;

(3) knowingly imports a substance listed under subsection (a) of section 5, a product containing such substance, or a product manufactured with a process that uses such a substance, in violation of section 7;

(4) knowingly introduces into interstate commerce a substance or product in violation of section 8;

(5) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this Act;

(6) knowingly produces, transports, distributes, or uses consumer products containing a substance listed under section 5, or a product manufactured with a process that uses such a substance; or

(7) knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this Act

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum applicable punishment shall be doubled with respect to both fine and imprisonment.

(e) VIOLATIONS.—Each day of violation of any requirement of this Act shall, for purposes of this section, constitute a separate violation.

SEC. 15. JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.

Any judicial review of any final action of the Administrator pursuant to this Act shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within the ninety day period beginning on the date of such filed action or after such period if such petition is for review based solely on grounds arising after such period;

(2) action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

(3) if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reasons of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such evidence.

SEC. 16. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the United States district court for the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the United States district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Secretary to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 13.

(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

(1) prior to sixty days after the plaintiff has given notice of the violation to—

(A) the Administrator; and

(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require a compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this

Act may be brought under this section only in the judicial district in which such alleged violation occurs.

(c) NOTICE.—No action may be commenced under paragraph (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Secretary that he will commence such action. Notice under this subsection shall be given in such manner as the Secretary shall be given in such manner as the Secretary shall prescribe by regulation.

(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 14, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with Federal Rules of Civil Procedure.

(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

SEC. 17. SEPARABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 18. RELATIONSHIP TO OTHER LAWS.

(a) Nothing in this Act shall be construed to alter or affect the authority of the Administrator under the Clean Air Act or the Toxic Substances Control Act or to affect the authority of any other department, agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere.

(b) Nothing in this Act shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for the purposes of protecting the stratosphere or ozone in the stratosphere.

SEC. 19. AUTHORITY OF ADMINISTRATION.

The Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.

UPPER-OZONE CHEMICALS ACT OF 1989

Summary: The Bill provides for a five-year phaseout of six substances that deplete the stratospheric ozone layer (CFC-11, CFC-12, CFC-113, halon-1211, halon-1301, carbon tetrachloride), and a ten-year phaseout of other ozone-depleting substances (CFC-22, CFC-114, CFC-115, methyl chloroform, methylene chloride), with exceptions for medical and national security reasons. There are provisions for certifying that nations from which we import products that contain ozone-depleting chemicals have a similar phaseout program in place, and a requirement for safe disposal of ozone-depleting substances. Finally, the bill calls for developing a safe alternative policy, for replacing the substances to be phased out with chemicals, product substitutes, or alternative manufacturing processes that reduce overall risk to public health and the environment.

Specific provisions include:

A PRODUCTION PHASEOUT

Five-year phaseout for CFC-11, CFC-12, CFC-113, halon-1211, halon-1301, carbon tetrachloride

Ten-year phaseout for CFC-22, CFC-114, CFC-115, methyl chloroform, and methylene chloride.

There is an exception to the production phaseout for medical and national security reasons.

CERTIFICATION OF EQUIVALENT FOREIGN PHASEOUT PROGRAMS

Requires certification by the Secretary of State that foreign countries have equivalent phaseout programs in place before allowing their products that contain or are manufactured with ozone-depleting substances, to be exported to the United States.

DISPOSAL OF OZONE-DEPLETING SUBSTANCES, AND OF PRODUCTS THAT CONTAIN OZONE-DEPLETING SUBSTANCES

Requires ozone-depleting substances to be disposed of in a way that ensures that the substances will not be released to the environment.

Requires that ozone-depleting substances be removed from appliances, machines, or other goods before those goods are disposed of, and that the substances be disposed of as indicated above.

SAFE ALTERNATIVES POLICY

Establishes the policy that the substances to be phased out will be replaced, to the maximum extent possible, by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to public health and the environment.

Calls on EPA to review and report on the alternatives being considered, and assess their risks to public health and the environment.

By Ms. MIKULSKI:

S. 873. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Relations.

WOMEN IN DEVELOPMENT ACT

● Ms. MIKULSKI. Mr. President, today I am introducing legislation to increase the participation of women in Third World economic development programs. The bill is similar to legislation I introduced last year and which was included in the fiscal year 1989 Foreign Operations appropriations bill. Those provisions will expire with the appropriations bill.

In view of the very stringent budget limits we are facing, we need to make sure that every tax dollar is spent to best advantage. This is especially true in our foreign assistance programs, which have an extremely broad mission and are usually the first target of budget cuts.

There are two basic reasons for directing more of our assistance toward women. One is simple fairness. Tradition and legal restrictions make it difficult in many countries for women to improve their living conditions. Women are the poorest, hardest working, least educated and unhealthiest people in the Third World, yet they receive less assistance than men.

Second, if we are to get the most from our assistance dollars, particularly in agricultural programs, it is clear that we must direct our aid to the people who are doing most of the work—women. The U.S. Agency for International Development's own research has shown that the greater the involvement of women, the more successful the assistance project.

Women are responsible for 80 to 90 percent of food production in Africa, but in AID-funded training programs in Africa, only 21 percent of the participants have been women. The figures in Asia and Latin America are similar.

In Third World countries women not only handle the household chores but also earn an income to provide for their families' basic needs. Generally, women work from 10 to 12 hours per day—2 to 4 hours more than men—walking several miles to find water and fuel, weeding, planting, hoeing, marketing food and other goods, caring for children, preparing food, and taking care of other daily household duties.

Dollar for dollar, aid directed to women will bring a greater return than other aid programs, and the assistance we provide has a ripple effect on local society which goes far beyond simple economics.

For example, take the case of a weaving project in Kenya that was funded at a modest $10,000. In addition to teaching marketable skills and providing extra income for women employees and their families, the weaving job is so important to these women that they will do whatever they can to keep from having more children and jeopardizing that job. Since Kenya has one of the highest birth rates in the world, this byproduct of the weaving project is extremely significant. The weaving center has also become a focal point for health care. Volunteer doctors visit the factory regularly, an ambulance comes to the plant for group innoculations, and villagers not employed at the plant gather there to take advantage of these services. Finally, employment at the factory has created enough self-confidence among the workers that several have run for local council posts.

Similar changes in attitude have resulted from programs of the famous Grameen Bank in Bangladesh, and I ask unanimous consent that a recent Christian Science Monitor article on the bank be reprinted at the end of my statement.

AID Administrator Alan Woods and other key agency officials consulted closely with the Congress last year on this issue and have instituted new efforts—some unilateral, some as a

result of last year's legislation. AID deserves credit for its actions to date, but much more needs to be done.

The legislation I am introducing today funds women in development activities through AID and two U.N. agencies. It also sets forth policy goals and guidelines for AID to follow in order to increase the integration of women into its development programs. The bill includes:

Ten million dollars authorization for women in development programs at the Agency for International Development.

Eight million dollars of that total will be available through the women in development office at AID as matching funds for programs in other bureaus which exhibit the potential for involving women. The purpose of the legislation is not to create a separate office to deal with women's programs but to encourage all missions—health, agriculture, private sector promotion, environment, education—to integrate women into their programs.

Directives for including women in all agency efforts.

An agency task force to coordinate efforts.

Goals and deadlines for increasing the training and integration of Third World women in AID programs.

Increased training for AID employees and contractors.

Funding for two U.N. agencies that provide data collection and program coordination for women's programs.

More effective targeting of women is the best way I know to increase the effectiveness of our aid programs, and I hope that the Foreign Relations Committee will take a serious look at this issue as it considers foreign aid authorization legislation this year.

I ask unanimous consent that the text of the bill and the article mentioned earlier be printed at this point in the RECORD.

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

S. 873

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 "Women in Development Act of 1989".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Women in developing countries play multiple and vital roles in economic development, but in many development activities their roles have been overlooked, ignored, or displaced.

(2) The full participation of women in, and the full contribution of women to, the development process are essential to achieving growth, a more equitable distribution of resources and services to meet basic needs, a higher quality of life in developing countries, and sustainable development.

(3) In developing countries, the income earned by women is crucial to their individual self-reliance, to raising the standard of living of their families, to the overall development of their community and society, and to strengthening national economies.

(4) Achievement of development goals is being retarded by the failure to effectively integrate women in development activities.

(5) Research shows that when women's participation in development activities is high, project success and sustainability tend to be high; when participation is low, project success and sustainability tend to be moderate or low. Therefore, the cost-effectiveness and efficiency of United States bilateral and multilateral development assistance can be increased by improving the integration of women in all stages of the development process.

(6) In food production, low-resource women farmers provide the critical labor and offer the best hope for increasing food supplies in many developing countries; however, their contributions have been limited by a lack of access to appropriate extension, credit, and marketing services.

(7) A serious deficiency now exists in U.S. and other international development programs; that is, a lack of basic education, vocational training and health instruction for girls in the approximate age group of five to fifteen years.

(8) Women are a major source of entrepreneurial talent in the informal sectors of developing countries and, with access to training, credit and other forms of assistance, are expected to account for much of the growth in the private sector.

(9) United States and indigenous private and voluntary organizations have demonstrated effectiveness in strengthening women's organizations in developing countries through the development of managerial and analytical capabilities.

(10) The Agency for International Development states that its policy is to promote full involvement of women as participants and beneficiaries in all of the projects, institutions, and development processes supported by the Agency. Although the Agency issued a policy paper in 1982 which provided guidelines for increasing the participation of women in the development process, in actual practice the integration of women received low priority in relation to other mandates. In 1988, however, the Agency increased its efforts to involve women in its development programs.

(11) The Agency for International Development lacks adequate accountability or management mechanisms to ensure that the women in development policy is in fact being fully implemented.

(12) In order to improve integration of women in the Agency's development activities, the Agency must provide, at the earliest possible date, training to recognize the essential economic roles of women and to develop strategies to incorporate women into all development programs. This training should be extended to all Washington and mission-based policy, program and project staff who would provide guidance on strategies for achieving the goal of involving women in the planning, design, implementation, management, and evaluation of the Agency's development activities, and to universities participating in Agency programs, to other U.S. government agencies, and to contractors involved in carrying out programs administered by the Agency. In 1989 the Agency began an expanded training program, with encouraging results.

(13) Training programs held in host countries or the United States for project participants are important components of most development projects and reflect the development objectives and strategies of the Agency for International Development. The low representation of women in these training programs impedes their integration in their national economies, limits their current and future productive roles, reduces the effectiveness of U.S. programs and constrains overall economic development.

(14) Among United Nations organizations, the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW) have demonstrated that greater support for the productive activities of women can improve the well-being of communities and national economies. The United Nations Development Fund for Women plays a unique and valuable role by developing and replicating projects and ensuring the appropriate involvement of women in mainstream development activities. The International Research and Training Institute for the Advancement of Women serves as a catalytic force within the United Nations to ensure that research and data collection of all United Nations agencies identify women's economic and social roles and potential.

(15) Research has established the value of fully integrating women and the poor in the development process, especially in designing, implementing and evaluating development projects. Such agencies as the Inter-American Foundation, the African Development Foundation and the International Fund for Agricultural Development have carried out programs which have achieved a reasonable measure of success in carrying out these objectives.

SEC. 3. STEPS TO BE TAKEN BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) STRENGTHENING WOMEN IN DEVELOPMENT POLICY.—The Administrator of the Agency for International Development shall take the following steps to strengthen the Agency's women in development policy:

(1) Ensure that the Agency seek to incorporate the active participation of local women and local women's organizations in its development activities (including their involvement in the planning, design, implementation, management, monitoring, and evaluation of the activities) in approximate proportion to their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(2) Instruct Agency staff and contractors to collect sex-disaggregated data for, and include such data in, every Country Development Strategy Statement, Project Identification Document, Project Paper, Program Assistance Identification Proposal, Program Assistance Approval Document, and Policy Inventory, as well as all relevant research projects.

(3) Instruct Agency staff and contractors to seek to ensure that country strategies, projects, and programs are designed so that the percentage of women who receive assistance is in approximate proportion to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher.

(4) Instruct Agency staff and contractors that, if a country strategy, program, or project is not designed so that assistance will reach women in the proportion specified in paragraph (3), they must identify in the appropriate document referred to in paragraph (2)—

(A) what the obstacles are to achieving that goal;

(B) what steps are being taken to remove or overcome those obstacles;

(C) to the extent that steps are not being taken to remove or overcome those obstacles, why they are not being taken.

(5) Ensure that project and program evaluations include an assessment of the extent to which the project integrates women in the development process and of the impact of the project or program on women, including both positive and negative implications of the project or program in enhancing the self-reliance of women and improving their incomes.

(6) Instruct Agency staff and contractors to ensure that country strategies, projects, and programs identify and take advantage of opportunities to assist women in activities that are of critical significance to their self-reliance and development, including (A) appropriate extension and related services to low-resource women who are engaged in subsistence or cash production, and (B) training, technical assistance, credit, and other services to strengthen the managerial skills and capabilities of women, with special attention to women's institutions and women entrepreneurs.

(7) Develop and implement a plan to provide training for all Washington and mission-based professional staff that provides guidance on strategies for achieving the goal of incorporating women in the planning, design, implementation, management, and evaluation of the Agency's development activities; and require universities participating in programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961, other agencies of the United States Government, and contractors involved in carrying out programs administered by the Agency to develop and implement plans to achieve that goal.

(8) Require that efforts to achieve the goal of integrating women in to the Agency's development activities be an important factor in the personnel evaluating process for all Agency staff with responsibility for reaching that goal.

(9) In the case of education or training provided in the host country or the United States for project participants, increase training opportunities for women and make every necessary provision for addressing the specific needs of women.

(10) Ensure that the necessary steps are taken so that each of the preceding paragraphs of this subsection will be fully implemented as soon as possible but no later than by the end of fiscal year 1995, except that the following targets shall be set for implementing paragraph (9): a minimum of 30 percent of the trainees should be women by the year 1991, a minimum of 40 percent of the trainees should be women by the year 1992, and a minimum of 50 percent of the trainees should be women by the year 1993, with approximately equal levels in each region.

(11) Increase the participation of young girls in education and training programs, use incentives to encourage host countries to include girls in their programs and consider withholding assistance for programs which do not include girls as equal participants. If the agency is unable to fulfill this directive, it must report to the Congress on the reasons why this policy cannot be carried out.

(12) In order to get the greatest benefit from U.S. aid dollars and avoid duplication of effort, instruct Agency staff to make the maximum use of data, program design and management structure already established by multilateral institutions or other national agencies.

(13) Establish within the Agency a task force on women in development. The task force shall consist of the director of the Women in Development office and senior-level staff from each of the regional and technical bureaus who are in decision-making positions regarding the integration of women in the operations of their bureau. The task force shall be responsible for—

(A) overseeing the implementation of this Act,

(B) assisting Agency missions in developing strategies to overcome the obstacles to integration of women in the development process that have been identified by the missions, by indigenous people and organizations, and by other evaluations of Agency programs;

(C) designing means for ensuring that staff at all levels of the Agency are subject to appropriate accountability for achieving the goals of incorporating women in the development process; and

(D) establishing specific criteria for measuring and evaluating the Agency's performance in incorporating women in development activities, and developing ways to institutionalize learning within the Agency on women in development activities.

(b) FUNDING FOR WOMEN IN DEVELOPMENT ACTIVITIES.—Section 113(b)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Up to $10,000,000" and inserting in lieu thereof "Not less than $10,000,000";

(2) by inserting "and section 667(a)" after "this chapter"; and

(3) by adding at the end the following: "Beginning in fiscal year 1990, not less than $8,000,000 of the funds used each fiscal year pursuant to this subsection shall be made available as matching funds to support those activities of the missions of the agency which demonstrate potential for integrating women into the programs of those missions.".

(c) REPORTS TO CONGRESS.—Not later than March 1, 1991, and every second year thereafter, the Administrator of the Agency for International Development shall report to the Congress on—

(1) the specific steps taken as of the time of the report in implementing each paragraph of subsection (a);

(2) the additional steps to be taken to implement each such paragraph; and

(3) the use of funds pursuant to the amendments made by subsection (b).

SEC. 4. FUNDING FOR CERTAIN UNITED NATIONS ORGANIZATIONS.

In addition to amounts otherwise authorized to be appropriated to carry out chapter 3 of part I of the Foreign Assistance Act of 1961 (relating to international organizations and programs), there is authorized to be appropriated, without fiscal year limitation, $5,000,000. Of the amounts appropriated pursuant to this section, 80 percent shall be available only for the United Nations Development Fund for Women and 20 percent shall be available only for the United Nations International Research and Training Institute for the Advancement of Women.

[From the Christian Science Monitor, Mar. 15, 1989]

BANKING ON A BETTER LIFE

(By Kristin Helmore)

HARAN NAGAR, BANGLADESH.—Along the sandy banks of the Dhaleswari River, a tranquil tributary of the Ganges in waterlogged Bangladesh, there is perpetual movement. This country, the size of Wisconsin, has nearly 110 million people. Villages are strung in an endless chain of jute-stick huts on the higher ground above the riverbanks. Lines of men trudge along the shores, straining forward against ropes that haul huge, ancient, square-sailed ships up the middle of the river.

The men will talk and laugh with a visitor as they walk. But the women washing clothes at the river's edge hide their faces in their saris and turn away as if trying to erase themselves when a stranger comes near.

Most Bangladeshi women behave this way with strangers, following the Muslim custom of *purdah* (which literally means "curtain") and centuries of tradition that have left most of them timid, uneducated, and insecure.

In some villages, the women stand tall when visitors approach. They hold up their heads and, with a beguiling mixture of pride and shyness, look strangers in the eye. Then they do something even more unexpected: give a crisp, energetic, military-style salute in greeting.

What has changed these women's behavior, their perception of themselves—indeed, their economic standing, and their very status in their communities?

A bank.

The Grameen Bank (*grameen* means village in Bengali) provides * * * but it exemplifies the underlying objective of the bank: to uplift the poorest and most oppressed members of one of the world's poorest, most tradition-bound societies.

"We wanted to get rid of these women's habit of being nonentities," says Dr. Yunus, who earned his economics degree at Vanderbilt University in the United States.

"They normally hide their faces, and when they *salaam* [the traditional Muslim greeting], they touch their forehead with a limp hand. Somebody thought of the salute, which is like a *salaam* but with a very important difference. You can't hide your face and salute at the same time. You have to stand up tall."

Grameen is a bank tailor-made for the poorest—for those who have no access to commercial banks but must resort to begging from local landowners or borrowing from moneylenders who charge 10 percent per month or more. At the Grameen Bank, one must be landless to qualify for a loan. (About 60 percent of Bangladeshis are considered landless, even though many of them do own tiny plots of about one-fifth of an acre.) About 82 percent of Grameen's borrowers are women—the poorest of the poor.

"Women see the worst kind of poverty, because women are the ones who must feed people," says Yunus. "If you give a chance to the women, they become much better fighters against poverty than men. A woman sees much further into the future than a man does. She always wants to have a better life for her children. Given an opportunity, she works for the future.

"And it is usually the very desperate ones who come [for a loan]. Often it's women abandoned by their husbands. That is who the Grameen Bank was created for—those who have no means at all."

The loans are small—the average amount for a first-time loan is $65. With the exception of housing loans, the credit provided is "venture capital" for enterprises like rice-husking, weaving, or the production and sale of vegetables, eggs, or milk. To ensure that the women receive advice and encour-

agement from their peers in formulating business plans, they must form groups of five to take out a loan. If a borrower has difficulty repaying her loan, the other members of her group help.

The bank's capital comes from government loans made at 2 percent interest, financed by aid from Canada, Norway, Sweden, West Germany, and other donors. All operating expenses, including opening branches and salaries of some 6,000 branch employees, are covered by the 16 percent interest per annum the bank charges borrowers.

The Grameen Bank model has gained such a following that virtually all of Bangladesh's development programs will soon adopt its credit-intensive approach, according to a leading government planner. And Grameen's system is being replicated in Malawi, Burkina Faso, Mali, Ivory Coast, and Tanzania, as well as the south side of Chicago, rural Arkansas, and other parts of the United States.

The idea of banks—of dealing with strangers and handling money—is so foreign to these women that taking the first step can be frightening. Hence, each group elects a leader who they feel will give them courage.

"Setera was braver than the rest of us," says one woman of her group leader. "We were all hesitating, but she said, 'Why worry? Either we will die or we will live like human beings.' So she mustered the courage for everyone."

Several groups of borrowers form a "center" that meets once a week with a representative from the nearest of the bank's 464 branches. Over a 50-week period, members pay off the principal of their loans at 2 percent a week, and the 16 percent interest in two more weeks. At the end of the 52 weeks, borrowers who are paid up qualify for a larger loan. Grameen's repayment rate is 98 percent.

The material benefits of using the bank are obvious; Nutrition levels rise, living conditions improve, and drudgery is replaced with productive activity.

"Now we can spend more money on food," says borrower Alaka Parveen. Small and slight, she is dressed in a beautiful, vibrant combination of colors: a yellow and red sari over a red and white striped blouse. "Before we never could give milk or eggs to our children. Now they eat these and we do, too."

Nurun Nahar, in the village of Boromonohordi, has taken two loans so far, the first for raising winter vegetables, the second for husking rice. She became eligible for a house loan, conditional on the willingness of her husband to transfer ownership of his tiny plot of land to his wife. He did, and she got the house loan.

Since women in Bangladesh cannot inherit property, Grameen has developed the transfer scheme to enhance the financial security of its female borrowers. Housing loans are available only when ownership of the land is in the wife's name.

"Housing for the poor means a place to work, to get proper rest, and a place for storage," says Muzammel Huq, Grameen's employee training director. "A person working without a shelter is like a soldier without ammunition."

Today, Mrs. Nahar has a relatively large, two-room house with a tin roof—an important asset that allows families to "camp out" during floods. Despite the tin roof, the house is quite cool, thanks to cross-ventilation. It is spotlessly clean, neat, and beautiful. The jute-stick interior wall is woven into graceful designs of fish. A folded mosquito net hangs from a rafter over the bed, and a loom sits in one corner.

This house has increased Nahar's productivity. "In our old house we had no [electric] current," she says. "I used to go to bed very early. Now I can work at my weaving until 12." Electricity is much cheaper than buying weekly supplies of kerosene.

Increased work efficiency has come to Nahar's neighbor Hasin Banu, too, thanks to the installation of a tube well that her group of borrowers paid for jointly—supplied at a special low price, subsidized by UNICEF.

"Before, I had to walk a mile, three or four times a day, to get my cooking and drinking water, which was not pure," says Mrs. Banu. "This water is good to drink, and now I use the time I save for spinning thread."

Grameen borrowers are required to save 1 taka per week (about 3 cents) plus 5 percent of each loan amount. In the bank branch in nearby Bramundhi, six women dressed in flowing black robes, with only their hands and faces showing, sit waiting to make deposits in, or withdrawals from, their savings accounts. This is standard attire for trips to the bank. (Women in *purdah* must be covered if they venture out of the vicinity of their homes.)

This branch has 1,800 borrowers; it has made 340 house loans and financed the installation of nine tube wells. Grameen savings accounts pay 8.5 percent, and bank branches provide other benefits, too, such as training workshops for group leaders.

Out of group discussions in these workshops evolved what the bank calls "the 16 decisions." This list of guidelines starts with the four principles—discipline, unity, courage, and hard work. It includes the decision to educate one's children, keep one's family small, one's house in good repair, one's children eating plenty of vegetables, and the marriages of one's sons and daughters free from "the curse of dowry"—an entrenched custom that drains the finances of many families and may put them in debt for years.

"I estimate that 50 percent of our borrowers now use family planning," says branch manager Rafiqul Islam. "Before joining the bank, only a few used it."

Peyera Begum was married at age 9 and had her first child at 13. Now 27 with four children, she uses birth control. Though she had only two years of primary school, she is confident she will be able to send her children through high school and dreams of sending them to a university.

Bank officers say that when borrowers start earning, they usually want to have fewer children so they can devote more time to their businesses. And they realize they can care for a small family better than a large one. Mrs. Begum has a grocery shop and has come to withdraw savings to buy additional stock.

Improved nutrition, housing, water supply, health care, family planning, and education are the benefits most designers of third-world development projects strive for. But when you ask Grameen bank clients what the bank has meant to them, they talk as much of intangibles as of improvements in their living conditions. Often their achievements as entrepreneurs result in better relations with their families.

"Our husbands recognize that we are helpful members of the family and not a liability," says Mrs. Parveen in Haran Nagar. "They show us more affection than they did before."

Shahar Banu, who lives in the neighboring Hindu village of Krishna Nagar, agrees. "Now my husband and son consult me when they do anything. Before, they didn't know I existed."

And Mrs. Banu sees a marked improvement in her relations with the local landowners. "Before, the greeting was only one way: We always greeted them. Now they greet us."

"Our husbands never used to listen to us before," echoes Shob Mehir in Haran Nagar. "Now they listen because we have capital. Also, we have saved them the humiliation inflicted by well-to-do people. They don't feel ashamed any more. They have been freed from subjugation and they feel grateful."

Criticism of the bank flares up now and then, on the part of land-owners who find it more difficult to hire cheap labor, and on the part of religious leaders. The latter group claims that the teachings of Islam are being eroded when women start to go out of their homes to work. But according to Mr. Huq, the women have a ready answer to such charges.

"When I was begging in the streets," they say, "how come Islam was not in danger then?"●

By Mr. FORD:

S. 874. A bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes; to the Committee on Rules and Administration.

NATIONAL VOTER REGISTRATION ACT

● Mr. FORD. Mr. President, I have introduced today the National Voter Registration Act of 1989, which is identical to H.R. 15 which was introduced earlier this Congress in the House of Representatives by Mr. SWIFT. A hearing on this bill will be held by the Committee on Rules and Administration this Wednesday, May 3.

Last Congress the Committee on Rules and Administration held two hearings on voter registration and voter turnout in elections. The 1988 election, with its very low voter turnout, demonstrated once again that something must be done to increase the number of voters in our elections. The testimony and information received by the committee made it clear that while changes in registration procedures do not necessarily result in increased voter turnout, they have effectively increased the pool of citizens who are eligible to vote.

I believe that this bill will provide our States with the means to increase their voter rolls without undue additional costs by using existing State and Federal agencies. Its provision that would tie-in driver license applications and renewals with voter registration alone presents an opportunity to reach some 90 percent of the voting age population. It is a workable and cost-efficient approach to the problem of low registration and voter turnout.

Mr. President, I think it is important that any law enacted in this area not

intrude unnecessarily on the election administration functions of our States, nor significantly increase their costs of conducting elections. The bill I have introduced will have the effect of significantly increasing the number of people on our voting roles without violating either of these objectives.

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. 874

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1989".

SEC. 2. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR PRESIDENTIAL AND CONGRESSIONAL ELECTIONS.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of Federal law or any provision of State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures with respect to Presidential elections and Congressional elections to permit voter registration—

(1) by application in person simultaneous with application for a motor vehicles driver's license pursuant to section 3;

(2) by mail application under section 4; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; or

(B) at a Federal, State, or private sector location designated under section 5.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to any State that has no voter registration requirement with respect to Presidential elections and Congressional elections.

SEC. 3. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall also serve as an application for voter registration with respect to Presidential elections and Congressional elections. An application for voter registration so submitted supersedes any previously submitted application for voter registration and invalidates any previous registration for the individual involved.

(b) EXCEPTION.—An individual referred to in subsection (a) may decline in writing to be registered by means of the motor vehicle driver's license application.

(c) FORMS AND PROCEDURES.—Each State shall include a voter registration application for Presidential elections and Congressional elections as part of any form used to apply for a State motor vehicle driver's license. The voter registration application portion of the form—

(1) may not require any information that duplicates information required in the driver's license portion of the form;

(2) shall include a box or other device to permit an applicant to decline to register, as provided in subsection (b);

(3) shall require only sufficient information to prevent duplicate voter registration and otherwise to enable the appropriate State election official to assess the eligibility of the applicant;

(4) shall include a statement of penalities provided by law for submission of a false voter registration application; and

(5) shall be made available to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall also serve as notification of change of address for voter registration with respect to Presidential elections and Congressional elections for the individual involved.

SEC. 4. MAIL REGISTRATION.

(a) FORM.—Each State shall develop a mail voter registration form for Presidential elections and Congressional elections. The form shall—

(1) require only sufficient identifying information, including the signature of the applicant, to enable the appropriate State election official to assess the eligibility of the applicant; and

(2) include a statement of penalties provided by law for submission of a false voter registration application.

A form under this section may not include any requirement for notarization or other formal authentication.

(b) AVAILABILITY OF FORMS.—The chief State election official of each State shall make the form available for government and private sector distribution, with particular emphasis on availability for organized voter registration programs.

SEC. 5. VOTER REGISTRATION LOCATIONS.

(a) DESIGNATION.—Each State shall designate appropriate State offices and (upon agreement with the Federal Government and nongovernmental entities) Federal and private sector offices as locations, with respect to registration for Presidential elections and Congressional elections. At each such location, the following services shall be made available: (1) distribution of voter registration applications, (2) assistance to applicants in completing such applications, and (3) acceptance of completed applications for transmittal to the appropriate State election official. Offices designated under this subsection shall include offices providing public assistance, unemployment compensation, and related services.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

SEC. 6. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for Presidential elections and Congressional elections, each State shall—

(1) assure that any eligible applicant is registered to vote in the election—

(A) in the case of registration with a motor vehicle application under section 3, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than 25 days before the date of the election;

(B) in the case of registration by mail under section 4, if the valid voter registration form of the applicant is postmarked not later than 25 days before the date of the election;

(C) in the case of registration at a location designated under section 5, if the valid voter registration form of the applicant is accepted at the location not later than 25 days before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than 25 days before the date of the election;

(2) require the appropriate State election official to notify each applicant for registration of the disposition of the application; and

(3) provide that the name of a voter may not be removed from the official list of eligible voters other than (A) at the request of the voter, (B) by reason of the death of the voter, (C) as provided by State law, by reason of criminal conviction, mental incapacity, or change in residence of the voter, or (D) for failure to vote in each of 2 consecutive Presidential general elections and at least one Congressional election or election for State office between such 2 consecutive Presidential general elections.

(b) SPECIAL RULE.—A State may not, under subsection (a)(3)(D), provide for removal of the name of a voter from the official list of eligible voters if the voter registers with a motor vehicle application under section 3 and continues to hold a valid driver's license.

SEC. 7. FEDERAL COORDINATION AND REGULATIONS.

The Federal Election Commission—

(1) shall be responsible for coordination of Federal functions under this Act; and

(2) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and appropriate individuals from the private sector, shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SEC. 8. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official, to be responsible for coordination of State functions under this Act.

SEC. 9. ENFORCEMENT.

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out the provisions of this Act.

SEC. 10. PRIVATE RIGHT OF ACTION.

An individual aggrieved by a violation of this Act may file a complaint of the violation with the chief election officer of the State involved. If the complaint is not resolved within 90 days after the filing, the individual may bring a civil action in an appropriate district court for declaratory and injunctive relief with respect to the violation.

SEC. 11. DEFINITIONS.

As used in this Act—

(1) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(2) the term "Presidential election" means a primary election or general election for the office of President or Vice President; and

(3) the term "Congressional election" means a primary election, special election, or general election for the office of Senator or Representative.

SEC. 12. EFFECTIVE DATE.

The requirements of this Act shall apply with respect to Presidential elections and Congressional elections held after date of the Presidential general election of 1992.●

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

S. 875. A bill to prohibit United States contributions to the United Nations or any of its affiliated organizations if full membership as a state is granted to any organization or group that does not have the internationally recognized attributes of statehood; to the Committee on Foreign Relations.

PLO ADMISSION TO UNITED NATIONS ORGANIZATIONS

● Mr. KASTEN. Mr. President, I am pleased to introduce legislation along with the chairman of the Foreign Operations Subcommittee, PATRICK LEAHY, which would cut off all U.S. financial contributions to any United Nations agency which admits the PLO as a "member-state".

Our legislation, which is a companion bill to one introduced in the House by Congressmen, LANTOS, SMITH of New Jersey, SMITH of Florida, and BEREUTER, tracks the position laid out in a letter sent to Secretary Baker by Senator LEAHY and myself and cosigned by 36 of our Senate colleagues.

Mr. President, this legislation also tracks the administration's position as announced today by Secretary Baker, in which he stated that he would, "recommend to the President that the United States make no further contributions—voluntary or assessed—to any international organization which makes any change in the PLO's present status as an observer organization."

It is clear to me that we have a solid and unified position on this matter. It is my sincere hope that the PLO and those who would support that organization for "member-state" status in the U.N. would recognize the significant damage that such a move could cause many of the very worthwhile programs of United Nations organizations.

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. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.●

● Mr. LEAHY. Mr. President, I am pleased to join my good friend and colleague, the distinguished ranking member of the Foreign Operations Subcommittee, Senator KASTEN, in introducing this bill to cut off all U.S. financial contributions to any U.N. agency that gives the Palestine Liberation Organization member state status. Our bill squares with administration policy as reflected in a statement this afternoon by Secretary of State James Baker, when he said,

To emphasize the depth of our concern, I will recommend to the President that the United States make no further contributions—voluntary or assessed—to any international organization which makes any change in the PLO's present status as an observer organization.

Our bill and the Secretary's statement have their origins in a cynical move by Yasser Arafat, "the President of the State of Palestine" to apply for member state status in the World Health Organization, a U.N. specialized agency. The WHO assembly meets on May 8, and the issue of membership is decided by a simple majority. The United States is carrying on a vigorous effort to block this application, but I am informed that as of now, there is probably a majority of WHO member states, virtually all from the Third World who would vote to admit the State of Palestine.

Granting the PLO member state status in the WHO would be a calamity for the United Nations, a body which I strongly support. The PLO has made clear that, if successful in WHO, it intends to submit applications to many U.N. specialized agencies. Once the precedent is established, we can expect hostile Third World blocs to support PLO member state status in several U.N. agencies. Eventually, we will face a PLO application for recognition by the United Nations itself as the State of Palestine.

Those of us who care for the United Nations and want to see it continue to play a critical role in international peacekeeping, world health concerns, Third World development, the global environment, and a host of other issues, must act at once to show other member states the depth of our concern—and our determination that this manuever by Arafat to undermine the Middle East peace process will not succeed. That this move is aimed at prejudicing potential peace negotiations is obvious. The letterhead used by the PLO to make its application to the WHO contains the logo State of Palestine and shows a map of the State of Israel, the West Bank and Gaza as a single entity. This is a slap in the face of all of us who support a negotiated resolution of the Middle East conflict, including a permanent resolution of the status of the West Bank and Gaza through direct negotiations between Israel and the Palestinians themselves.

If it becomes necessary to cut off U.S. contributions to WHO, which I fervently hope it will not, as chairman of the Foreign Operations Subcommittee, I will work to ensure that U.S. funds contained in the foreign aid appropriation which would have gone to support its important work will go to fund bilateral AID health programs and the work of other international health organizations. I do not want PLO folly to result in the United States doing less to meet the urgent needs of world health.

Mr. President, Senator KASTEN and I have been working for several days now to build opposition to this PLO manuever. We have been supported by many of our colleagues here in the Senate. I ask unanimous consent that a letter Senator KASTEN and I sent to Secretary Baker, cosigned by 36 of our colleagues, be included in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent that a "Dear Colleague" and letter to President Bush urging immediate and strong action at the highest levels in the executive branch to block this application also be included in the RECORD at the conclusion of my remarks. I urge all Senators to join us in signing this letter to the President so that there can be no misunderstanding on the part of any U.N. member state of the consequences of admitting a State of Palestine.

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

COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 13, 1989.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: We commend your opposition to a Palestinian state, which, as you have stated, would pose a threat to Israel as well as to Jordan, and would be contrary to American interests in the region.

We therefore view with alarm reported efforts by the Palestine Liberation Organization and several countries to seek recognition of the PLO as a "member-state" in the United Nations and related organizations and agencies. The acceptance of a Palestinian state in such international fora would present another obstacle to a peace process that already faces difficult challenges and would seriously weaken U.S. support for those U.N. bodies.

The PLO's declaration of statehood directly contravenes long-held U.S. policy opposing such a unilateral move and additionally contravenes all international standards relating to sovereignty. The PLO does not control territory, does not control any population and is not a government—all of which are internationally accepted attributes of a state and of statehood.

By focusing on a public relations ploy to make headlines rather than on confidence-building measures to make progress, this effort by the PLO sets the stage for continued stalemate. Therefore, we hope you will urge the PLO to drop its "statehood" theatrics and concentrate on matching its words of peace to peaceful deeds.

Mr. Secretary, such a move by the United Nations or its specialized agencies would make a mockery of all the U.N. represents. It would weaken support for the U.N. and would gravely damage the peace process because it pre-judges the outcome of the negotiating process.

Any successful move by the U.N. or related agencies to recognize the "state of Palestine" would force us to seriously consider a range of punitive action, including withholding U.S. financial participation from those agencies. It is our hope that you will use every means at your disposal to discourage this ill-advised effort. We stand ready to support you in this endeavor.

Sincerely,

Patrick J. Leahy, Daniel K. Inouye, John McCain, Phil Gramm, Paul Simon, Tom Harkin, J. Bennett Johnston, Bob Graham, Dennis DeConcini, Robert W. Kasten, Jr., Don Nickles, Carl Levin, Connie Mack, John D. Rockefeller, IV, Herb Kohl, John Heinz, Charles Grassley, Barbara Mikulski.

William S. Cohen, David L. Boren, John Glenn, William V. Roth, Jr., Rudy Boschwitz, Donald W. Riegle, Jr., Thomas A. Daschle, Pete Wilson, Thad Cochran, Orrin Hatch, Alan Cranston, Frank Lautenberg, John F. Kerry, Arlen Specter, Dan Coats, Joseph R. Biden, Jr., Christopher S. Bond, Conrad Burns, Joseph I. Lieberman, Jesse Helms.

COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 27, 1989.

DEAR COLLEAGUE: Many of you joined us in writing to Secretary Baker on April 13 about the dire consequences for US financial participation in the World Health Organization, should the PLO be accorded "member state" status as the "State of Palestine." We hoped that a strong letter from the Senate would help energize the Administration to oppose this maneuver and send a strong signal to WHO member states of the implications of accepting the PLO application.

We have recently learned that the PLO application continues despite efforts by the State Department to dissuade it from pursuing this course. The WHO Assembly meets in Geneva on May 8, and it will be in order at that time to consider the PLO application. The issue will be decided by a simple majority vote. Many Third World members of WHO already recognize the PLO as a state, or are hostile to Israel, and it is probable that the PLO's application will receive a majority, should the issue come to a vote. Clearly, once this precedent is set, the PLO will make similar applications to other UN specialized agencies.

We are deeply concerned about the implications of this act for the United Nations and for the possibility of future negotiations between Israel and the Palestinians about the status of the occupied territories in the West Bank and Gaza. We believe the Administration must launch a strenuous effort to persuade the PLO to withdraw its application in the interests of peace in the Middle East. We urge you to join us in sending the attached letter to the President asking that such a campaign, at the highest levels of the United States Government, begin at once.

If you would like to join us in this letter, please have your staff contact Eric Newsom (4-7284) or Jim Bond (4-7274). We need to send this letter to the President as soon as possible.

Sincerely,

ROBERT W. KASTEN, Jr.
PATRICK LEAHY.

COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 27, 1989.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: On April 13, a number of us wrote Secretary Baker of our intense concern about the application by the Palestine Liberation Organization for admission to the World Health Organization, a United Nations specialized agency, as the "State of Palestine." In that letter, we made clear that should the WHO or any United Nations agency or body accord the PLO the status of member state, we would be forced to consider a range of punitive actions, including withholding US financial participation in those agencies. We hoped our letter would send a strong signal to all members of the WHO that the reaction from the United States to admission of a "State of Palestine" would be swift, decisive and far-reaching.

Since that letter, our concern has grown even greater that too little is being done to make clear to WHO members the drastic consequences of such an act. We are writing you directly to urge that the United States Government at the highest levels immediately and strenuously emphasize to all parties, including the United Nations, the World Health Organization, other UN agencies, member states, and the PLO, the implications of according the PLO the status of "member state." No one involved in this transparent maneuver to preempt the outcome of possible future negotiations between Israel and other Arab parties should be allowed to be under the slightest illusions about the strength of the US reaction.

Mr. President, we cannot overemphasize the gravity of this situation for the future of US participation in WHO, and for other UN agencies which may find themselves in a similar situation. It is clear that if the PLO is successful in gaining admission to WHO, it is only a question of time before they apply for member state status to other UN specialized agencies and perhaps even the UN General Assembly itself. We trust the Administration will use every lever at its command to prevent such a calamity.

Respectfully,

ROBERT W. KASTEN, Jr.
PATRICK LEAHY.●

By Mr. HELMS:

S. 876. A bill to temporarily suspend the duty on thiothiamine hydrochloride; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON THIOTHIAMINE HYDROCHLORIDE

Mr. HELMS. Mr. President, today I am introducing legislation to grant temporary duty-free status for thiothiamine hydrochloride. This is a substance used by Takeda Chemical Products USA, Inc., in the production of Thiamine, commonly known as vitamim B1.

I believe this matter should have been taken care of last Congress. However, since it wasn't, I see no reason why this bill shouldn't pass the House and the Senate expeditiously during the 101st Congress.

Takeda is a North Carolina corporation with long-range plans to develop its 1,500-acre site in Wilmington, NC, into a general manufacturing complex. The Wilmington plant was completed in the fall of 1985. They began to produce vitamin B1 in October 1985. The plant represents an investment of approximately $14 million.

The second plant, also located in Wilmington, NC, which was recently completed, produces ascorbic acid-vitamin C. This plant represents an investment of approximately $90 million.

Mr. President, approval of this temporary duty suspension will allow Takeda to provide vitamin B1 at a lower cost to the consumer, and it will place the company's North Carolina operation in a more competitive position with foreign competitors. Consequently, they will be able to accelerate their growth and create additional jobs in the State and regional economy.

The thiothiamine hydrochloride used by Takeda is imported from Japan. To the best of my information, thiothiamine hydrochloride is not produced in the United States and there are no other intermediates or materials which could be substituted for it in the process used to make vitamin B1.

The following chart reflects the amounts that Takeda imported from January 1, 1986, through June 30, 1987, and the duty paid:

Period	Quantity (kilogram)	Duty paid
Jan. 1, 1986 to Dec. 31, 1986	143,204	$54,338
Jan. 1, 1987 to June 30, 1987	75,200	28,086

The following chart reflects the amounts which they expect to import from July 1, 1987, to December 31, 1991, and the duty they would pay using the current price of $10.77 per kilogram and a duty rate of 3.7 percent:

Period	Quantity (kilograms)	Duty paid
July 1, 1987 to Dec. 31, 1987	96,200	$38,000
Jan. 1, 1988 to Dec. 31, 1988	180,000	72,000
Jan. 1, 1989 to Dec. 31, 1989	189,000	75,000
Jan. 1, 1990 to Dec. 31, 1990	198,000	79,000
Jan. 1, 1991 to Dec. 31, 1991	208,000	83,000

Mr. President, I urge swift consideration and passage of this bill.

By Mr. DECONCINI:

S. 877. A bill to require the posting on certain aircraft of information relating to the date of manufacture of the aircraft, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

TRUTH IN AVIATION ACT OF 1989

● Mr. DECONCINI. Mr. President, I am introducing the Truth in Aviation Act of 1989 today to guarantee accessibility of vital aircraft information to each passenger who climbs aboard a commercial airplane.

Recently, reports in newspapers indicate that some passengers on commercial flights inquire about the age of the aircraft. Allegedly, at least one large air carrier advises its attendants not to disclose the age of the aircraft. In fact, the carrier instructs the attendants to mislead the passenger by telling him or her the average age of aircraft in the carrier's fleet.

Mr. President, I ask unanimous consent that a copy of an article from the Washington Post on this issue be printed in the CONGRESSIONAL RECORD immediately following the conclusion of my remarks.

Under these circumstances, how can a passenger make an informed decision whether or not to stay on board? This legislation will provide passengers with the information necessary to make an informed choice based on accurate data. The passenger has a right to know the truth, particularly in light of the seriousness of the choice the passenger makes when entrusting his or her safety to the air carrier and crew.

I do not want to give the impression that failure to fully disclose information occurs routinely. However, with the recent airline tragedies in the forefront of our media, some passengers are concerned about the age and the safety of the plane. This legislation targets those passenger's concerns by requiring the aircarrier to post information disclosing the age of the aircraft and the date of the last FAA inspection.

Not only will this notification requirement protect the passengers' right to full disclosure, it will also advance safety practices through consumer education. Congress has found that public awareness promotes aviation safety.

Some assume that making this type of information available will unnecessarily cause fear among passengers and delays in take-off. Passengers waiting in line will stop to read the notice as they board. Those who decide to disembark will be blocked from doing so, thereby delaying the boarding process.

The concern for delays, however, is misplaced. Currently, all McDonnell-Douglas planes post a data plate which clearly displays the date of manufacture of the plane. This data plate has not proven to contribute to long delays or to cause passengers to panic.

Since all planes are structured differently, how does this legislation define the place where the aircarrier must display the notice? This legislation requires that the carrier display the notice in an appropriate place on the airframe. This means, among other things, a place easily recognizable by persons of average height and average eyesight. Alternatively, the air carrier could include the information on the Airworthiness Certificate.

Presently, the FAA requires air carriers to post an Airworthiness Certificate which documents various information about the plane. This information includes the nationality, registration, manufacturer, model, serial number, category of use, authority and basis for issuance of the certificate, terms and conditions of the certificate, date of issuance of the certificate, the name of the FAA inspector or representative, and the designation number. I am proposing that we merely add the date of manufacture and the date of the last FAA inspection to the information already provided on the Certificate, thereby providing this information to any passenger who wants it.

In addition to posting vital information on the airframe, aircarriers will continue to have other voluntary options which this legislation does not prohibit. For instance, an aircarrier could also post the information just outside the entrance to the plane. Passengers that want to know can merely step aside and read the notice while the plane continues to board. Any passenger that opted not to take that plane could simply not board. This passenger would cause no problems to the boarding aircraft since he or she would not be in line. Furthermore, other passengers would not block this passenger from deplaning if he or she chose not to board.

Some people argue that notifying passengers of the age of the aircraft or the date of the last FAA inspection misleads passengers into believing that age and FAA inspection are critical factors in air safety. While it is true that the age of a plane and the date of the last FAA inspection do not necessarily reflect its safety, the passenger is entitled to accurate information concerning the aircraft he or she is preparing to board.

If the air carrier is concerned that passengers will react negatively toward the age of the plane, the air carrier could inform the passenger why the age does not necessarily detract from its safety. Air carriers with an older fleet are free to print informative flyers. Alternatively, the carrier could print this information directly on the passenger's ticket. The flyer or ticket could indicate that the plane is in excellent condition due to an excellent maintenance log or airframe or other modifications that would substantially increase the safety of the aircraft.

Mr. President, aviation safety is of great concern to all Americans. Our government must respond in every manner possible, including facilitating the dissemination and improvement of information concerning commercial aircraft. I urge my colleagues to join me in this effort to improve aviation safety.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the CONGRESSIONAL RECORD.

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

S. 877

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Truth in Aviation Act of 1989".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) some passengers on commercial aircraft inquire and want to know the age of the aircraft or the date of the last Federal Aviation Administration inspection of the aircraft that they are scheduled to fly on in order to make an informed decision as to whether they want to remain on the aircraft;

(2) consumer air carriers are not fully disclosing the age of aircraft or the last date of a Federal Aviation Administration inspection to passengers that are traveling on the aircraft;

(3) the consumer marketplace is one of the best means of improving aviation standards and compliance with Federal Aviation Administration regulations; and

(4) the power of Federal agencies to impose civil monetary penalties for violations of Federal laws and regulations plays an important role in deterring violations and in furthering the policy goals embodied in such laws and regulations. (b) The purposes of this Act are to—

(1) guarantee passengers' accessibility of information pertaining to the age of the aircraft and the date of the last Federal Aviation Administration inspection of the aircraft in which they are scheduled to travel;

(2) promote safety in aviation through public awareness of information pertaining to aircraft used by commercial air carriers; and

(3) promote policy goals and compliance with laws and regulations relating to aircraft by imposing a civil monetary penalty for violation of aircraft laws and regulations.

REGULATIONS

SEC. 3. (a) Within the 90-day period following the date of the enactment of this Act, the Secretary of Transportation shall, by regulation, require each commercial air carrier engaged in the transportation of passengers in intrastate, interstate, overseas, or foreign air transportation to prominently display in an appropriate location on each aircraft a notice stating the date of the manufacture of such aircraft and the date on which such aircraft received its most recent inspection by the Federal Aviation Administration. Such notice may be included as a part of the Airworthiness Certificate displayed in such aircraft.

(b) For purposes of this section, "to prominently display" means, among other things, a place easily recognizable by persons of average height and average eyesight.

CIVIL PENALTY

SEC. 4. The Secretary of Transportation is authorized to impose a civil penalty on any air carrier violating the requirements of this Act, or any regulation issued pursuant thereto. Such penalty shall be in an amount not to exceed $10,000.

DON'T DISCLOSE JETS' AGE, UNITED URGES ATTENDANTS

(By Laura Parker)

Concerned over public fears about aging aircraft, United Air Lines has asked its flight attendants not to tell passengers the age of the airliner on which they are flying.

The airline said it has been receiving more inquiries from passengers about the age of its aircraft after an accident last month in which the fuselage of a United Boeing 747 tore open in flight over the Pacific after a forward cargo door broke away. Nine people were swept to their deaths and 27 were injured.

"To avoid increasing a potentially high level of customer anxiety, please use the following responses when queried by customers," United wrote in a memorandum recently circulated to its flight attendants. "Question: How old is this aircraft? Answer: I'm unaware of the age of this particular aircraft. However, the average age of United aircraft is 13.5 years. Question: How can I be sure that this aircraft has received proper maintenance? Answer: All of United's aircraft are maintained under strict service regimens which meet or exceed FAA [Federal Aviation Administration] maintenance requirements."

A Washington-based United flight attendant who asked not to be identified said she was uncomfortable ducking the issue with passengers. "They're asking us to lie, when the age of the aircraft is on every airplane," she said.

Another flight attendant, who flies United's Pacific routes, said he believes passengers deserve to know a plane's age if they ask. "It's like buying a used car. They want to know how old the car is," he said.

United spokesman Joe Hopkins said the airline's reservations clerks have been asked by callers for aircraft age, something reservations clerks do not know.

"When the customer asks the question, we want to give them an answer, so we give them the average," Hopkins said, adding that flight attendants are not prohibited from providing the aircraft's age if they know it.

The date of manufacture appears on a small metal plate set into the frame of the foward passenger door of all 83 McDonnell-Douglas aircraft that United flies, including DC10s and 21-year-old DC8s.

A similar metal plate can be found just inside the forward passenger door on all Boeing aircraft, which make up the bulk of United's fleet. The plate gives the aircraft's serial number, model number and production number but not the date of manufacture.

The FAA requires that all aircraft display an airworthiness certificate, which carries the date the aircraft was certified. The certification date does not necessarily reflect the jet's age; aircraft that are modified would have no more recent certification date.

With 40 percent of its fleet estimated to be 20 years old or older, United has begun a fleet renewal program and has been acquiring new aircraft and selling off some older models. United's 28 DC8s were manufactured in 1967, although they were substantially modified and upgraded in 1985. The oldest 727 models are of 1962 vintage.●

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

S.J. Res. 112. Joint resolution designating May 29, 1989, as the "National Day of Remembrance for the Victims of the U.S.S. *Iowa*"; to the Committee on the Judiciary.

NATIONAL DAY OF REMEMBRANCE FOR THE VICTIMS OF THE U.S.S. "IOWA"

Mr. GRASSLEY. Mr. President, I rise today to offer a resolution to establish May 29, 1989, as "National Day of Remembrance for the Victims of the U.S.S. *Iowa*."

This resolution would ask the President to proclaim a day for Americans to honor the victims of this tragedy, their families, their friends, and their colleagues at sea.

We cannot change the events of April 19. But on May 29, as the Nation observes Memorial Day, we can remember especially the 47 men who died in an accidental explosion inside gun turret No. 2 aboard the U.S.S. *Iowa*. These men are but the most recent Americans who have made the supreme sacrifice for their country.

On occasions such as the tragedy aboard the U.S.S. *Iowa*, we are reminded of the costs of liberty. Every day, this great Nation thrives because we have held steadfastly to the principles of freedom, liberty, democracy, and independence. Throughout our past, when Americans have been called at crucially important moments to defend our liberties, they have responded with courage and patriotism. Though the sailors aboard the U.S.S. *Iowa* served in peacetime, they met the same unfortunate fate as those who served in war. We will regard their efforts as equally honorable.

On April 19, 1775, freedom-loving people took up arms and started a revolution. Now, 215 years later, on April 19, 1989, 47 patriotic men were killed in the same never-ending cause: To ensure that Americans will forever live in freedom.

Mr. President, every Member of this body shares the grief felt by the families and friends of the victims of the U.S.S. *Iowa*. To those people, we offer our sympathies, our respect, and a promise that we will not soon forget their contributions to the United States of America.

By Mr. DIXON (for himself, Mr. FORD, Mr. D'AMATO, and Mr. SHELBY):

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan; to the Committee on Foreign Relations.

RESOLUTION OF DISAPPROVAL OF FSX FIGHTER-JET PROGRAM

Mr. DIXON. Mr. President, I send to the desk a joint resolution of disapproval and ask that it be read.

Mr. President, the administration on Friday announced that it had reached an agreement with the Japanese Government on the proposed FSX fighter-jet program. This is a very bad deal for America.

Just a few weeks ago, the General Accounting Office presented its preliminary findings on this codevelopment Japanese FSX aircraft program. To sum up the GAO conclusions in a few words: "We know what the Japanese are getting from the United States; we don't know what we are getting from the Japanese!"

Why are we making this deal? We are making this deal giving away our technology, in my opinion, for political expediency. We are giving up something the Japanese do not have: The ability to integrate systems.

What do we get in return? We get unproven composite wing technology which the Japanese have not produced, and which many of our leading aircraft companies already have. We also are to receive new radar technology which has not been proven. Here again we have United States companies far ahead of the Japanese in this specialty.

If this deal is not killed by Congress, we are entering into an agreement with a country that has made it a prime industrial policy to shut down American industries. We are entering into an agreement with a country that has not lived up to its previous agreements on such programs as semiconductors.

On the same day the President announced the FSX deal, the administration ordered trade sanctions against Japan for not keeping an agreement to open its telecommunications market to American cellular phones and mobile radios. We have signed an agreement with a country whose Government and industries keep domestic prices high so the Japanese can sell their products lower in our country.

This is a country, Mr. President, whose economy has been able to grow because our American taxpayers have, since the end of World War II, provided Japan protection through our conventional and nuclear arms and troops. We have just recently helped protect Japan by assuring the free flow of oil through the Persian Gulf. Now they have nerve to tell us their country will not buy off the shelf the world's best fighter plane, the F-16.

This is a poor business deal; it is a poor investment in America's future.

This agreement should not have been fine tuned. This agreement should not have been negotiated. This agreement should be scrapped. I urge

my colleagues to join me in supporting my joint resolution to prohibit this FSX deal.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

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

S.J. RES. 113

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the proposed export of technology, defense articles, or defense services pursuant to an agreement with Japan described in subsection (b) to codevelop or coproduce the Support Fighter Experimental (FSX) aircraft is prohibited.

(b) An agreement referred to in subsection (a) is an agreement for which the President submitted a certification pursuant to section 36(d) of the Arms Export Control Act on May , 1989 (transmittal no. 89-).

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 9, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 38

At the request of Mr. WILSON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 39

At the request of Mr. ROTH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 69

At the request of Mr. D'AMATO, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 69, a bill entitled the Posse Comitatus Improvement Act of 1989.

S. 89

At the request of Mr. SYMMS, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 89, a bill to delay for 1 year the effective date for section 89 of the Internal Revenue Code of 1986.

S. 120

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes.

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 184, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible before 1979.

S. 198

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 198, a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs.

S. 231

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 355

At the request of Mr. RIEGLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 355, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage credit certificates may be issued.

S. 430

At the request of Mr. DASCHLE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 430, a bill to amend title XIX of the Social Security Act to provide coverage for certain outreach activities undertaken at the option of a State for the purpose of identifying pregnant women and children who are eligible for medical assistance and assisting them in applying for and receiving such assistance, and for other purposes.

S. 431

At the request of Mr. NUNN, the names of the Senator from Nevada [Mr. REID], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oregon [Mr. HATFIELD], the Senator from Maine [Mr. COHEN], the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. SASSER], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 431, a bill to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

S. 447

At the request of Mr. BOSCHWITZ, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 447, a bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year.

S. 458

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 458, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes.

S. 461

At the request of Mr. GRASSLEY, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 461, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 464

At the request of Mr. SANFORD, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 464, a bill to promote safety and health in workplaces owned, operated, or under contract with the United States by clarifying the United States' obligation to observe occupational safety and health standards and clarifying the United States' responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States.

S. 480

At the request of Mr. COCHRAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 480, a bill to authorize the several States and District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales.

S. 491

At the request of Mr. CHAFEE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 491, a bill to reduce atmospheric pollution to protect the stratosphere from ozone depletion, and for other purposes.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Illinois [Mr.

DIXON] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 519

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 519, a bill to prohibit smoking on any scheduled airline flight in intrastate, interstate, or overseas air transportation.

S. 520

At the request of Mr. DECONCINI, the names of the Senator from Florida [Mr. MACK] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 520, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 555

At the request of Mr. GRAHAM, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. FOWLER], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 555, a bill to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes.

S. 569

At the request of Mr. BOND, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 569, a bill to establish a grant program for States to enable such States to expand the choices available for the provision of affordable child care, and for other purposes.

S. 583

At the request of Mr. FOWLER, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 583, a bill to establish national standards for the manufacture and labeling of certain plumbing products in order to conserve and protect water resources, and for other purposes.

S. 596

At the request of Mr. D'AMATO, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 596, a bill to make available certain information involving threats to the safety of international commercial airline travel.

S. 628

At the request of Mr. RIEGLE, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 628, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 686

At the request of Mr. MITCHELL, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. ADAMS], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 686, a bill to consolidate and improve laws providing compensation and establishing liability for oilspills.

S. 687

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 687, a bill to amend the Clean Water Act to expand authority for penalties for discharges of oil and hazardous substances to provide for an assessment of oilspill contingency plans.

S. 702

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 702 a bill to amend title XVIII of the Social Security Act to increase the amount authorized for a patient outcomes assessment research program, to transfer supervisory authority for such program to the Assistant Secretary for Health, to create a practice guidelines development program, to define the missions, priorities and scope of such programs, to establish an advisory committee for such programs, and for other purposes.

S. 726

At the request of Mr. KERRY, the name of the Senator from California [Mr. WILSON] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 726 a bill to amend the Coastal Zone Management Act of 1972 regarding activities significantly affecting the coastal zone.

S. 735

At the request of Mr. DASCHLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 735, a bill to amend title XVIII of the Social Security Act to extend the classification of sole community hospital to certain other hospitals, to make improvements in payments to such hospitals, and for other purposes.

S. 754

At the request of Mr. PACKWOOD, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 754, a bill to restrict the export of unprocessed timber from certain Federal lands, and for other purposes.

S. 755

At the request of Mr. PACKWOOD, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 755, a bill to authorize the States to prohibit or restrict the export of unprocessed logs harvested from lands owned or administered by States.

S. 759

At the request of Mr. BAUCUS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 579, a bill to amend the Rural Electrification Act of 1936 to establish that it is a major mission of the Rural Electrification Administration to ensure that all rural residents, businesses, industries, and public facilities obtain affordable access, on an equal basis with urban areas, to telecommunications services, and for other purposes.

S. 771

At the request of Mr. REID, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 783

At the request of Mr. JOHNSTON, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 783, a bill to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

S. 821

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 821, a bill to abolish the Commission on Executive, Legislative, and Judicial Salaries, establish a procedure for adjusting pay rates of certain Federal officers, and for other purposes.

S. 863

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 863, a bill to create a Rural Partnership Fund and a loan program to administer funds from such fund, to create a Microbusiness Loan Fund and a Microbusiness Technical Assistance Fund and a program to administer funds from such funds, and for other purposes.

SENATE JOINT RESOLUTION 66

At the request of Mr. HELMS, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Missouri [Mr. BOND], the Senator from West Virginia [Mr. BYRD], the Senator from New York [Mr. D'AMATO], the Senator from Alabama [Mr. Heflin], the Sena-

tor from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the third week of June 1989 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. DOMENICI, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Colorado [Mr. ARMSTRONG], and the Senator form North Carolina [Mr. SANFORD] were added as consponsors of Senate Joint Resolution 67, a joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System.

SENATE JOINT RESOLUTION 71

At the request of Mr. HELMS, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 71, a joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from Missouri [Mr. BOND] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the period commencing May 7, 1989, and ending May 13, 1989, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. DIXON], the Senator from Nevada [Mr. REID], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. PRESSLER], the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. BRYAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Arkansas [Mr. PRYOR], the Senator from Missouri [Mr. DANFORTH], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1989 and 1990 as "National Hospice Month."

SENATE JOINT RESOLUTION 94

At the request of Mr. BOREN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of June 4, 1989 through June 10, 1989, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 104

At the request of Mr. MITCHELL, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Arkansas [Mr. PRYOR], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. LEVIN], the Senator from Virginia [Mr. ROBB], the Senator from Maine [Mr. COHEN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 104, a joint resolution to express the sense of the Congress with respect to the health of the Nation's children.

SENATE RESOLUTION 86

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Resolution 86, a resolution to request the President of the United States to appoint a special commission to consider the destruction of Pan American World Airways flight 103 and the security of air travel.

SENATE RESOLUTION 92

At the request of Mr. SYMMS, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate regarding section 89 of the Internal Revenue Code of 1986.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 109

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Resolution 109, a resolution to recognize the Patuxent River as an appropriate demonstration site for national water quality management.

AMENDMENTS SUBMITTED

AUTHORIZATION OF FUNDING FOR THE MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

HELMS AMENDMENT NO. 65

Mr. HELMS proposed an amendment to the bill (S. 431) to authorize funding for the Martin Luther King, Jr. Federal Holiday Commission, as follows:

At the end of the bill, add the following:

Notwithstanding any provision of this Act, the Commission shall cease to exist two years after the date of enactment of this Act.

HELMS AMENDMENT No. 66

Mr. HELMS proposed an amendment to amendment No. 65 proposed by him to the bill S. 431, supra, as follows:

Strike all after the first occurrence of the word "Act," and insert in lieu thereof the following:

No funds shall be appropriated for the Commission.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on Friday, May 5, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on S. 611, a bill to establish a Federal acknowledgment process.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 3, 1989, at 9:30 a.m., in SR-301, to receive testimony on legislation on voter registration procedures for Federal elections. Anyone wishing to testify or to submit a statement for the hearing record are requested to contact Mr. Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

The committee will also receive written statements for the record on S. 136, to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections; and S. 377, to establish a series of five Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States. Senators, Representatives, and other interested individuals and organizations who wish to submit a statement on S. 136 and/or S.

29-059 O-90-20 (Pt. 6)

377 are requested to contact Mr. Sousa.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development in the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the status of current and future use of alternative motor vehicle fuels in the United States.

The hearing will take place on Tuesday, June 6, 1989, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Ben Cooper at (202) 224-7569.

ADDITIONAL STATEMENTS

AUTHORIZATION FOR CHANGE TO RULES AND PROCEDURE

● Mr. DECONCINI. Mr. President, I would like to submit for the RECORD the "Authorization for Change to Rules and Procedure of the Special Committee on Investigations of the Select Committee on Indian Affairs." I request that the full change in the rules be printed at this point in the RECORD.

The full change follows:

U.S. SENATE, 101ST CONGRESS, 1ST SESSION

AUTHORIZATION FOR CHANGE TO RULES AND PROCEDURE OF THE SPECIAL COMMITTEE ON INVESTIGATIONS OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

Pursuant to Rule 9 of the Rules and Procedure of the Special Committee on Investigations of the Select Committee on Indian Affairs, the following change is hereby approved by the Special Committee:

Rule 5.6 shall be amended, as follows:

No person shall be deemed to be impugned under this section if either prior to subsequent to said public hearing such person was afforded the opportunity under oath, whether by deposition, sworn statement or otherwise, to answer the substance of the evidence presented or comment made at the public hearing.

The Special Committee directs that this change be effective immediately. Notice of this change is directed to be published in the CONGRESSIONAL RECORD.

Date: April 18, 1989.

DENNIS DECONCINI,
Chairman,
JOHN MCCAIN,
Cochairman.●

TRIBUTE TO FORMER MAYOR JOHN KROKOS

● Mr. LAUTENBERG. I rise to pay tribute to John Krokos, the former mayor of Buena Vista Township. Mr. Krokos has been active in Buena Vista politics since 1959. He served as mayor of the township for 25 years and as a Buena Vista Township committeeman for 29 years. Mr. Krokos has also provided his leadership to the Buena Vista Township Planning Board, the Atlantic County Mayors Association and the Atlantic County League of Municipalities. In recognition of his achievements and service to the community, Mr. Krokos will be honored at a special dinner in East Vineland, NJ, on May 5.

Mr. Krokos has been actively involved in social and civic organizations also. He has served as president of the Atlantic County Board of Agriculture, the New Jersey Chick Association and the Milmay Volunteer Fire Co.

Born in Milmay, NJ, Mr. Krokos attended Vineland High School. He studies Spanish, planning and zoning and municipal management at Rutgers University. Although he has been self-employed in the poultry farm breeding business most of his life, Mr. Krokos also worked for 20 years as inspector of migrant labor and multiple dwellings for the State of New Jersey.

I commend Mr. Krokos for his dedicated service, leadership, and enthusiasm. He has served Buena Vista Township and the surrounding communities well. I send my best wishes to him for continued success.●

SAE METHANOL MARATHON

● Mr. ROCKEFELLER. Mr. President, I would like to bring to the attention of my colleagues an exciting event that culminates in Washington, DC, this week called the SAE Methanol Marathon.

This 1,100-mile road rally from Detroit to Toronto to Washington is sponsored by the U.S. Department of Energy, the Canadian Government, the Society of Automotive Engineers, General Motors and others.

This is a special event because 15 teams of student engineers representing schools across the United States and Canada converted cars to run on methanol instead of gasoline. I am proud to say that West Virginia University, located in my home State, was selected as one of the 15 finalists.

The teams were selected last fall on the basis of their design proposals. They then received a GM Corsica, a conversion kit and a grant to help meet the costs of the project.

The Methanol Marathon rally is a contest, not a race. The cars will be judged on performance, design, and ingenuity. The parade of methanol cars across the country will spread the word to countless towns and communities about the potential of alternative fuels. Further, the program has given our brightest engineering students the opportunity to gain valuable hands-on experience with new technologies.

I firmly believe that this country must turn to alternative fuels like methanol for our future energy security. Methanol can be made from coal or natural gas, resources we have in abundance in West Virginia and the rest of the country. If we begin to curb our dependency on foreign oil now by switching to alternative fuels, we can revitalize our domestic coal and natural gas industries.

Methanol makes sense for our environment because it burns cleaner than gasoline and can help reduce urban smog. Last year the Congress passed and the President signed my Alternative Motor Fuels Act, which provides incentives to automakers to build cars by 1993 that run on alternative fuels. My measure is an important first step to making methanol cars commonplace on American roads.

On May 4, the 15 Methanol Marathon teams will assembly on Capitol Hill for the conclusion of the 5-day rally. I urge my colleagues to join me in welcoming these teams and recognizing their talent and hard work for a job well done.

The following schools are represented in the rally:

California State University, Northridge, CA.

Colorado State University, Fort Collins, CO.

Concordia University, Montreal, Quebec, Canada.

Florida Institute of Technology, Melbourne, FL.

University of Maryland, College Park, MD.

Michigan Technological University, Houghton, MI.

University of Michigan, Ann Arbor, MI.

New York Institute of Technology, New York, NY.

Pennsylvania State University, University Park, PA.

Rochester Institute of Technology, Rochester, NY.

University of Tennessee, Knoxville, TN.

Texas Tech University, Lubbock, TX.

Washington University, St. Louis, MO.

West Virginia University, Morgantown, WV.

Wichita State University, Wichita, KA.●

CONGRESSIONAL ARBOR DAY

● Mr. SARBANES. Mr. President, last month I had the pleasure of planting a white oak sapling on the Capitol grounds during the celebration of Congressional Arbor Day. It is my hope

that this observance, involving recognition by the Congress of the economic and ecological importance of trees in our Nation, will become an annual event with wide participation by the public and Members of Congress.

The tree we added to the superb collection on the Capitol grounds is a white oak seedling, similar to the Wye Oak, Maryland's State tree. The Wye Oak in Maryland's Talbot County is the largest white oak in this country and one of the largest in the world. It is owned by the State of Maryland and was declared the State tree in 1941. It joins two other Maryland trees on the grounds—a Wye Oak seedling planted in 1976 and an offspring of the famous Liberty Tree on the campus of St. John's College in Annapolis planted in 1978 by Senator Charles Mac Mathias. In this period of ongoing bicentennial celebrations, it is important to note that both the Wye Oak and the Liberty Tree were standing when this country was declaring its independence, writing its Constitution, and convening its first Congress.

Two of our early Presidents were skilled horticulturists who recognized the value of planting and maintaining trees. Washington and Jefferson planted native and exotic trees at Mount Vernon and Monticello as a part of their agricultural and scientific pursuits. Washington, DC was encouraged at an early stage in its development to plant the city's magnificent boulevards and streets with the finest trees. The willow oak, one of Jefferson's favorite trees, now lines much of Pennsylvania Avenue between the Capitol and the White House.

I want to congratulate James B. Roberts, Maryland's State Forester and this year's president of the National Association of State Foresters, for his role in inaugurating and organizing the first Congressional Arbor Day. I also commend Melinda Cohen, Washington representative of the National Association of State Foresters, for her active role in organizing this program. Ronald Randolph, a fifth grader from Garfield Elementary School in Washington, DC, won the D.C. Arbor Day Poster Award, and I congratulate him on this achievement.

The last few years have shown dramatically the importance of our forests, and Congressional Arbor Day is an effort to focus attention on individual and community tree programs and the contributions of forestry to our economy and environment. I look forward to the celebration of Congressional Arbor Day each year.●

SUCCESSFUL SETTLEMENT OF PART OF THE "STARK" COMPENSATION CLAIMS

● Mr. WARNER. Mr. President, on March 27, 1989, the United States and Iraq reached an agreement which provides compensation for the families of the 37 crewmen of the U.S.S. *Stark* who lost their lives in the line of duty when their ship was mistakenly attacked by Iraqi aircraft in the Persian Gulf. The Government of Iraq agreed to expeditiously pay a total of $27,350,374. When the U.S. Government receives the money, it will be distributed to the 37 families on the basis of the formula used to calculate the original claims, which properly takes into account the individual needs and circumstances of the families.

I would like to take this opportunity to congratulate the outstanding U.S. negotiating team which successfully concluded this agreement. This negotiating team deserves special commendation for their fine work. The team was lead by the State Department Legal Adviser, Abraham D. Sofaer, and consisted of Capt. John Geer of the Department of the Navy, the U.S. Ambassador to Iraq, April Glaspie, and a group of State Department personnel.

I met the Judge Sofaer prior to his trip to Bagdhad last month. He briefed me on the background of the claims and on his objectives for this latest round of discussions. I lent my full support to this effort, and I am delighted to see that it was successful. It is a credit to Judge Sofaer, Captain Geer, Ambassador Glaspie and the rest of the U.S. team that they were able to conclude such a favorable agreement in a relatively short, 5-day period.

In my opinion, the settlement is a good and fair one. It will provide compensation to the wives, children, and parents of those 37 fine young men. Although money can never adequately compensate for the loss of life, it can provide the financial support that the dependents need and to which they are entitled.

However, this agreement settles only the first of three categories of U.S. claims arising out of the attack on the U.S.S. *Stark*. It is my understanding that the United States Government will soon present claims to Iraq on behalf of the crewmen injured in the attack, as well as for damages to the ship and other United States Government losses. I hope the Government of Iraq will continue to show its interest in improving relations with the United States by cooperatively addressing the remaining claims.●

RAILWAY MAIL POST OFFICE ESTABLISHED 125 YEARS AGO

● Mr. BOND. Mr. President, the Railway Mail Service, a branch of the Post Office Department, was established on August 28, 1864, by George Armstrong, assistant postmaster at Chicago. Prior to its official founding, the roots of the Railway Mail Service can be traced back to Missouri.

It was in St. Joseph, MO, in 1862 that William A. Davis, the assistant postmaster, first experimented with using the railroad system to transport mail. Train service in the United States began in 1830 and by 1869, parallel bands of steel carried the iron horse from coast to coast, making it ideal for transporting the mail for the Post Office Department. The C.B.&Q. Railroad was honored with the experimental cargo of mail, transporting it from West Quincy, MO, to St. Joseph, MO.

Going beyond mere transportation, the postal service began utilizing railroad cars as mobile post offices. They became so successful that shortly thereafter railroads all over the country began to receive post office cars from the U.S. Post Office. In some large cities, even street cars were used as traveling post offices. The Railway Mail Service officially changed its name to the Postal Transportation Service in November 1949, when Airmail and the Railway Mail Service were merged.

At its peak, immediately following World War II, the Postal Transportation Service employed over 30,000 clerks who handled more than 90 percent of all nonlocal mail. There were Railway Post Offices [RPO] aboard more than 1,900 routes across the Nation. With the increase in air service, however, the Postal Transportation Service began to cut back on train utilization. The final run of any RPO was from New York City to Washington, DC, in 1977.

Trains played a vital part in shaping our Nation and the postal service's use of them allowed those who moved west to keep in touch with their friends and family in far-off towns and cities. The dutiful RPO's carried the ever-important news of marriages, births and deaths, and war and peace.

I hope that my fellow Senators will join me in commemorating the 125th anniversary of the establishment of the Railway Mail Post Office and honoring the people associated with this branch of the Post Office Department.●

TRIBUTE TO CHARLES C. BYLONE

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Charles Bylone for his dedicated service to the township of Buena Vista. Mr. Bylone has been active in Buena Vista politics since he was elected Buena Vista township clerk in 1959. From 1980 to 1986 he served as Buena Vista township administrator. In recognition of his achievements and service to the community, Mr. Bylone will be honored at a special dinner in East Vineland, NJ, on May 5.

Mr. Bylone has provided his leadership to numerous organizations. Mr. Bylone has served as a member of Buena Vista Township Planning Board, the Atlantic County Economic Development Council, the Solid Waste Advisory Board, the Agricultural Development Board, the Vocational Agriculture Steering Committee of Buena Regional High School, the Vineland Chamber of Commerce, the Private Industry Council-JTPA, the Cumberland County Pinelands Commission, the Grass Roots Committee, and the Centennial Committee.

Although he was born in Hazelton, PA, and graduated from Hazelton High School, Mr. Bylone attended Rutgers University. From 1942 to 1945 he served in the Marine Corps. Currently, Mr. Bylone serves as the commissioner and treasurer of the East Vineland Fire Co. No. 2. He is also actively involved with St. Mary's Church of East Vineland and the St. Mary's School PTA.

As a farm owner and operator, Mr. Bylone has been active in the Vineland Produce Auction. Through his participation he has received several awards. In 1960 and in 1985 he received the Farmer's Home Administration Family of the Year Award. In 1983 Mr. Bylone received a citation for outstanding service to the Vegetable Growers Industry of New Jersey. In 1987 he received a citation for his distinguished service to agriculture in New Jersey.

I commend Mr. Bylone for his dedicated service to the community of Buena Vista. His leadership has contributed to the prosperity of many community organizations. I applaud Mr. Bylone for his achievements and wish him continued success in the future.●

MARIA OLIJNEK CHOPEK

● Mr. DOMENICI. Mr. President, Maria Olijnek Chopek was born on April 15, 1889, in Kozowa, Ukraine—then part of the Austrian-Hungarian Empire. Maria, a dressmaker, married Ilia (Elias) Chopek in 1911 and journeyed to the United States in 1914, arriving in Boston, MA. Prior to the Senate recess Maria Olijnek celebrated her 100th birthday.

Her early years in America were not easy. There were the 10 years of living in cold-water tenements and the various restaurant jobs necessary to eke out a living. Struggling with a new language and a different culture, Maria also raised a family—daughter Anna came with Maria to America, while daughter Stephanie was born in the United States in 1926. Then came the Great Depression and Maria took on extra jobs, such as office cleaning and dress embroidering, to help while her husband was unemployed. She is proud to claim that through it all, the Chopeks never accepted any public assistance.

Maria's hard work, strong faith, and love for her new country did bring some rewards. From their savings, the Chopeks purchased their dream house in suburban Boston. Maria and her husband proudly became United States citizens early in their American life and encouraged other Ukrainian immigrants to do likewise.

Though Maria and her husband worked hard, they always found time for their community. A life-long member of the Ukrainian Catholic Church, Maria volunteered her time to innumerable church activities. Her husband served as branch secretary for the largest Ukrainian-American fraternal organization, the Ukrainian National Association [UNA]. Maria has been a member of the UNA for over 60 years and her daughter Anna served on the Supreme Assembly (Board of Directors) of the UNA for 24 years.

Having instilled in her daughters the importance of education in improving one's life, they consequently achieved considerable success. Anna eventually became an Assistant Attorney General for the Commonwealth of Massachusetts and an Assistant District Attorney for Suffolk County, MA. Stephanie, who majored in physics, has worked on a free-lance basis as a scientific translator in Russian, German, and French at Los Alamos, NM.

Following the death of her husband, Maria moved to Los Alamos to live with her daughters. She has five grandchildren and three great-grandchildren. Even today, Maria still leads an active and happy life, attending church every week and actively participating in various organizations.

Maria Olijnek Chopek—celebrating a century of life—has lived the American dream!●

AAAS ENDORSES CONGRESSIONAL SCIENCE SCHOLARSHIP

● Mr. GLENN. Mr. President, I rise today to announce that Science magazine has endorsed S. 134, a bill which I introduced on January 25 that would establish congressional scholarships for science, mathematics, and engineering. Science magazine is published by the American Association for the Advancement of Science.

I am delighted that my proposal has won the support of such a prestigious and influential organization as the AAAS. This editorial will reach thousands and thousands of scientists, educators, and policymakers and consequently will generate greater interest and support.

I am also grateful for its active support on Capitol Hill; on March 9 AAAS President Richard C. Atkinson testified in favor of the bill before the House Subcommittee on Science, Research, and Technology, which, incidentally, is chaired by my friend, Congressman DOUG WALGREN of Pennsylvania. He is the author of the scholarship bill on the House side.

The congressional scholars program is, as Science magazine described, a "symbolic gesture" that in my opinion would highlight the Nation's need for better science and math literacy and more scientific personnel. The proposal would bring together the National Science Foundation with hundreds of panels spread across the country made up of local scientists, educators, engineers, and mathematicians in an effort to reward academic excellence in these areas. Given such high visibility, the scholarships couldn't help but raise the stature of the sciences and math in the Nation's high schools and communities.

I ask that the editorial from the March 31, 1989, Science magazine be printed in the RECORD.

The article follows:

CONGRESSIONAL FELLOWSHIPS FOR SCIENCE

Representative Doug Walgren (D-PA) has teamed with Senator John Glenn (D-OH) to push for passage of legislation that could be a significant step toward ameliorating this country's deteriorating position and future prospects. Under terms of the legislation, every year one female and one male high school graduate in each congressional district would receive a scholarship paying a maximum of $5000 a year for 4 years to study science, mathematics, or engineering. The proposed legislation calls for an initial appropriation of only $5.5 million, and in terms of needs, the number of students who will be helped is small. However, as a symbolic gesture with possible follow-on consequences, enactment of the legislation could make a large difference.

Walgren has stated, "Because of their broad geographical distribution [the] fellowships would serve as a highly visible stimulus and source of role models for high school students. . . . The awarding of these fellowships—perhaps during National Science and Technology Week—would remind members of Congress and the public of the importance of science to our national goals."

The legislation would place responsibility on the National Science Foundation to administer the program. Some of the mechanisms to be employed would give the program great visibility. For example, "The Director shall notify all public and private secondary schools and all institutions of higher education in the United States annually of the availability of scholarships under this Act."

The legislation further specifies that the National Science Foundation "shall establish for each congressional district, or, to the extent a contiguous group of congressional districts reflects a geographic region similar in demographics, geography, and economic status and activity, for each such group of congressional districts, a broad-based committee of educators, scientists, mathematicians, and engineers who shall submit to the Director [NSF] nominations of one male and one female from each congressional district for scholarships under this Act." Such committees would identify a host of excellent candidates worthy of sup-

port. The attendant activity and publicity would be likely to stimulate substantial additional financial support from industry, foundations, alumni, local communities, and the states. Were the program to be markedly successful, it might serve the function of a pilot plant for later expanded federal support.

Another provision of the legislation could lead to improvement of relations between the Congress and scientists, mathematicians, and engineers. The Art includes: "The Director shall notify each Member of Congress in writing of selections made from such Member's district at least one week before public announcement of such selections is made." Given adequate notice, the various congressmen would have highly valued photo opportunities and a chance to share in a happy public event. They and their staffs would become better acquainted with the scientists, mathematicians, and engineers of their districts, who in turn would become better informed about some of the concerns of congressmen.

In pushing for the legislation, Walgren has been joined by a bipartisan group of 27 members of the House Science, Space and Technology Committee, including Chairman Robert A. Roe (D-NJ). He has received strong support from the scientific community in testimony presented 9 March by Richard C. Atkinson, president of AAAS, Thomas F. Malone, president of Sigma Xi, and Lynn Arthur Steen, chairman of the Council of Scientific Society Presidents.

In his testimony, Atkinson implicitly reminded the Congress that the problems we face in education for science and technology are broader than those addressed in the Walgren proposal. He pointed to a "leaky pipeline" which conveys to the doctorate only a tiny fraction of students with the potential for it when in the tenth grade. In addition, he noted that by 1995 about 30% of the engineering faculties will have retired and have to be replaced. But in 1987, only 42% of U.S.-granted Ph.D.'s in engineering were awarded to U.S. citizens.

Obviously, the new legislation addresses only part of the educational problems, but it is an imaginative proposal that should enjoy broad support. Critics should exercise self-restraint in seeking this or that modification. That would only lead to delays or outright failure of enactment.—PHILIP H. ABELSON.●

CONGRATULATIONS TO EVELYN DUBROW

● Mr. LAUTENBERG. Mr. President, I rise today to honor one of the great ladies of Capitol Hill, Evelyn Dubrow. On May 4, 1989, many of her friends and allies in labor, industry, and government will join together to pay tribute to the "first lady of labor."

Educated at the New York University School of Journalism, Evy has a long history of contributions to the American labor movement. She has been educational director of the New Jersey Textile Workers Union of America; assistant to the president of the New Jersey CIO Council; secretary of the New Jersey American Newspaper Guild; chairperson of the AFL-CIO committee on consumer legislation; ILGWU representative to the Civil Rights Leadership Conference, National Consumers League, and National Fair Representation Committee; a founding board member of the National Consumers Federation of America; a member of the advisory committee of the Center for the Family; and a fellow at the Harvard University Institute of Politics.

Evy has been a strong and persuasive advocate of a wiser and more effective trade policy, particularly as it affects the workers of the textile and apparel industry. Although Evy's accomplishments have been significant and numerous, we all appreciate her most as a valued friend. Her delightful enthusiasm and charm have brought a welcome cordiality to difficult issues. Labor could not have a more effective spokesperson! I join in offering my congratulations to her, and look forward to working with her in the future in a common effort to improve the lives of American working men and women.●

ALLIED COUNCIL OF SENIOR CITIZENS OF WISCONSIN

● Mr. KOHL. Mr. President, the Allied Council of Senior Citizens of Wisconsin is a dynamic organization representing more than 10,000 older Americans living in the State of Wisconsin. It is a nonprofit, statewide organization comprised of unpaid volunteers who unselfishly work for the rights and the myriad needs of older folks in Wisconsin.

This week, the council's chapter in Milwaukee celebrates its 25th anniversary, a quarter of a century of service to senior citizens. From the establishment of Medicare to the protection of Social Security COLA's, from nutrition to housing issues, from pharmacy programs to the development of senior centers and from legislation to rein in health-care costs to utility rate regulation, the Allied Council of Senior Citizens of Wisconsin has been at the forefront of the debate. The council hasn't shied away from the tough issues that affect so many vulnerable Americans.

The council, its leadership and its many members should be congratulated for their unswerving commitment to resolving the complex problems that eventually will affect us all. They should be applauded for their willingness to work tirelessly from the national level to the grass roots to better the lot of seniors. Truly, no problem has been too big or too complicated for this fine group of folks.

Their success is mirrored by the growth of their organization—they now have regional offices not only in Milwaukee, but also in Kenosha, Racine, Madison, and Green Bay. And a new chapter has just been established in Waukesha County.

I'm confident that the council, under the leadership of Dorothy Seeley in Milwaukee, Dolores Pelzek in Waukesha, Louis De Marco in Kenosha, Helen Freimund in Racine, Leo Simon in Green Bay and Miriam Magdol in Madison, will continue its tradition of leadership and assistance to senior citizens throughout Wisconsin.

Our older folks deserve no less.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 46 U.S.C. 1295(b), appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Louisiana [Mr. BREAUX], from the Committee on Commerce, Science, and Transportation, and the Senator from South Carolina [Mr. HOLLINGS], from the Committee on Commerce, Science, and Transportation, ex officio.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-696, appoints the following Senators to the U.S. Capitol Preservation Commission: the Senator from New York [Mr. MOYNIHAN] and the Senator from Nevada [Mr. REID].

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 100-690, announces the appointment of the following Senators to the National Commission on Drug-Free Schools: the Senator from Alabama [Mr. SHELBY], and the Senator from Florida [Mr. GRAHAM].

ORDERS FOR TOMORROW

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow, Tuesday, May 2.

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

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that, following the time of the two leaders, there be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 10:30 a.m. the Senate resume consideration of S. 431.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be debate on S. 431 for not to exceed 1 hour, and that at 11:30 a.m. there be a vote on the Helms second-degree amendment to be followed immediately with no intervening business at 11:45 a.m. by a vote on the Helms first-degree amendment, as amended, if amended; and that those votes be up or down votes not subject to a tabling motion.

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

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess following the vote on the second Helms amendment from 12 p.m. to 2 p.m.

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

PROGRAM

Mr. MITCHELL. Mr. President, therefore, for the information of our colleagues, all Senators should be aware that according to the unanimous-consent agreements that we have just propounded, and which have been agreed to, there will be debate on S. 431 between 10:30 and 11:30 tomorrow morning. At 11:30 there will be a vote on the Helms second-degree amendment; and at 11:45 there will be a vote on the Helms first-degree amendment.

We anticipate that those will be rollcall votes. There will be two rollcall votes tomorrow, one at 11:30, one at 11:45.

There may be further amendments, and therefore further rollcall votes when the Senate resumes tomorrow afternoon, although we do not know that yet.

It is our hope and intention to complete action on this legislation tomorrow, and as soon as we do so the Senate will turn to the budget resolution.

RECESS UNTIL TUESDAY, MAY 2, 1989, AT 10 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m. on Tuesday, May 2, 1989.

There being no objection, the Senate, at 5:10 p.m., recessed until Tuesday, May 2, 1989, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 1989:

DEPARTMENT OF STATE

MORTON I. ABRAMOWITZ, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKEY.

MELVYN LEVITSKY, OF MARYLAND, TO BE ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS, VICE ANN BARBARA WROBLESKI, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

E. PATRICK COADY, OF VIRGINIA, TO BE U.S. EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 2 YEARS, VICE ROBERT BRENDON KEATING, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

KENNETH W. GIDEON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE O. DONALDSON CHAPOTON, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

SIDNEY LINN WILLIAMS, OF VIRGINIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE ALAN F. HOLMER, RESIGNED.

DEPARTMENT OF JUSTICE

SHIRLEY D. PETERSON, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WILLIAM S. ROSE, JR., RESIGNED.

WILLIAM LUCAS, OF MICHIGAN, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WILLIAM BRADFORD REYNOLDS, RESIGNED.

DEPARTMENT OF COMMERCE

MICHAEL PHILIP SKARZYNSKI, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JAMES P. MOORE, JR., RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALFRED A. DELLIBOVI, OF NEW YORK, TO BE UNDER SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CARL D. COVITZ, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN B. TAYLOR, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MICHAEL MUSSA, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GERALD L. OLSON, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MARY T. GOEDDE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

GALEN JOSEPH RESER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EDWARD R. HAMBERGER, RESIGNED.

DEPARTMENT OF EDUCATION

ROBERT REFUGIO DAVILA, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE MADELEINE C. WILL, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES W. BAGNAL, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. FREDERIC J. BROWN, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. FREDERICK M. FRANKS, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. CLAUDE M. KICKLIGHTER, [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR ASSIGNMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND CHIEF OF STAFF, UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. JOSEPH J. WENT, [redacted] /9903 U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN GRADE AS FOLLOWS:

To be lieutenant general

MAJ. GEN. NORMAN H. SMITH, [redacted] /9903 U.S. MARINE CORPS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

WAYNE E. BALCOM, [redacted]
JOHN G. BUNCH, [redacted]
ALAN J. CORSON, [redacted]
ROBERT G. DWYER, [redacted]
DONALD R. FOWLER, [redacted]
ALLEN P. HAZLEGROVE, [redacted]
CARL S. KRETZER, [redacted]
RONALD J. POLOMSKY, [redacted]
KENNETH B. PRESLAR, [redacted]
RICHARD J. SMITH, [redacted]
NEWTON W. TERRY III, [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

EDWARD M. STARR, [redacted]

LINE OF THE AIR FORCE

To be major

GERRIT J. ALLEN, [redacted]
JOHN A. CIESLIK, SR., [redacted]
WILLIAM O. COLLIER, [redacted]
DAVID A. FELTENBERGER, [redacted]
GEORGE E. FOREST, [redacted]
PHILIP B. NEELEY, [redacted]
AUBREY D. RICE, [redacted]
JAMES T. ROBERTS, [redacted]
JOHN W. SENEGAL, [redacted]
BENEDICT C. VIGLIETTA, [redacted]

JUDGE ADVOCATE

To be major

STEPHEN M. VALENTINE, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

EDWARD D. SUBERVI, [redacted]
DANIEL L. WEVER, [redacted]
LARRY E. WOOTEN, [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICER BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

JUDGE ADVOCATE

STEPHEN M. VALENTINE, [redacted]

THE FOLLOWING NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, SUBJECT TO TITLE 10, UNITED STATES CODE, SECTION 531.

KRISS B. STANLEY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MANUAL T. DAVENPORT ADAM M. TAFF
STEVEN L. JOHNSON

THE FOLLOWING LIEUTENANT COMMANDER, U.S. NAVY, RETIRED, TO BE REAPPOINTED PERMANENT COMMANDER FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211.

LINDA S. TAYLOR

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be commander

ADAMSON, ROBERT EDWARD, III
ALEXANDER, EARL ROBERT
ALEXANDER, ROBERT CYRIL
ALLEMAN, LEW EARLINGTON
ALLEN, CHARLES TED
ALVAREZ, MICHAEL PATRICK
AMES, CHRISTOPHER CONLAN
ANDERSON, WILLIAM MICHAEL
ANDREWS, VINCENT JOHN
ANNIS, JAMES BRENT
APPLEGATE, DAVID JAMES
AREIZAGA, CHARLES
ARMY DENIS, VINCENT
ARNOLD, RICHARD RAY
ARROWOOD, ROGER ALAN
ATKINS, TOMMY HAROLD
AUGUSTINE, MARILYN JANE
AZUD, JOHN RAYMOND

BAAR, ERIC CAMERON
BACIN, MARK STEPHEN
BADGER, CARLOS SAMUEL
BAFFORD, BARNEY RAY
BAILEY, ROSALIND TRIMBLE
BAIVIER, ANITA GAIL
BAKER, JEFFREY WARD
BAKER, MICHAEL NEWMAN
BAKER, ROBERT DUANE
BANGE, JEFFREY DONALD
BANNISTER, RANDALL WILLIS
BARKER, WILLIAM DENNIS
BARNETT, GEORGE ALLEN
BARNS, WILLIAM FLEMMING
BARRIE, ROBERT WILLIAM
BAUMGARDNER, HOWARD JOSEPH
BAYER, MICHAEL JOSEPH
BEATTY, FLORENCE ELIZABETH
BEATTY, THOMAS PATRICK
BEGLEY, GRANT ALLAN JR.
BERBERICH, LARRY RUSSELL
BERNHARD, DAVID LEE
BERNIER, BRETT BOULTER
BERNIER, CARROLL DENNIS
BERRY, EDMUND WILLIAM
BERTSCH, FRED STANLEY, III
BERTSCHE, MARK STEVEN
BETTINSON, DAVID ONEIL
BILLINGSLY, DAVID EUGENE
BLAKE, JOHN TERENCE
BLAKELY, ROBERT GRAHAM, JR
BLEEKER, HANS JACOBUS
BLOSS, WALTER JAY
BOEHM, LEE IRVIN
BOHN, JOHN LLOYD, II
BULLWERK, WILLIAM VAL
BULYARD, JOHN WESLEY
BOND, MARGARET HOUSE
BOOKERT REUBIN BERNARD
BORRIES, ROBERT BRUCE
BOUCHARD, JOSEPH FREDERICK
BOULON, DANIEL LEE
BOWEN, EDWARD CHARLES
BOWLING, RAYMOND BRUCE
BOYCE, ROBERT LEE
BUYER, JAMES CHARLES
BUZIN, STANLEY DANIEL
BRADLEY, DAVID GLENN
BRADD, ROBERT FRANCIS
BRAINERD, JEFFERY HOWARD
BREHM, BARBARA LAURIE
BREWER, ROBERT GEORGE, JR
BRIGGS, ALFRED NEWSOME, III
BRINGLE, DONALD GODWIN
BROUGHTON, GEORGE CLIFFORD, I
BROUGHTON, HUBERT LEE, II
BROWN, JERRY JOE
BROWN, NANCY ELIZABETH
BRUECKBAUER, ROGER IRVIN, II
BRUNO, PAUL NICHOLAS
BULFINCH, SUSAN HEELAN
BULLOCK, ROBERT ALAN
BULTEMEIER, CRAIG WILLIAM
BUNDY, WILLIAM FRANCIS
BURLINGAME, NEIL COLBY
BURNS, DANIEL ALLEN
BURTIS, THOMAS CLINE
BUSH, RICHARD ALBERT
BUSHUNG, ANNE LOUISE
BUSHONG, GREGORY BRENT
BYERS, EARL LOIS, II

CABRIAN, STEPHEN LLOYD
CADDELL, MARVIN RUSS
CADY, DAVID WAYNE
CAIN, DANNIE LEE
CALLANO, ALBERT MELROSE, III
CAMPBELL, JAMES LYNN
CAPALBO, JOSEPH J
CAREN, MARK STANLEY
CARLSON, CARL GLYNN
CARR, LARRY DONNELL
CASEY, KEVIN DONALD
CASEY, PATRICK JOSEPH
CASHBAUGH, DAVID M
CASSIAS, JEFFREY B
CHRISTENSEN, JOHN DOUGLAS
CHRISTMAN, WILLIAM EDWARD
CIMLAR, THOMAS JAMES
CIRULLI, LUCIO N
CLARK, FRANK NEIL
CLARK, WILLIAM JOHN, JR
CLEMENT, ROBERT H
CLINGAN, BRUCE WAID
COADY, JERRY JAY
COLDIRON, LARRY DALE
COLEGATE, GREGORY ALLEN
COLEMAN, DAVID WHITFIELD
COLLINS, PATRICK SEAN
COLLINS, ROBERT THEODORE
COLLINS, STEVEN EDWARD
COLLINS, STEVEN PATRICK
COLLIS, JERRY CARROLL
COMI, PATRICK MICHAEL
CONRAD, ROBERT DANIEL
COOK, FREDERICK CORNELIUS
CORRIGAN, DENNIS MICHAEL
COSPER, JAMES HECTOR, II
COSTON, PHILLIP WAYNE
COVINGTON, BENJAMIN BRYAN
COX, DAVID CORYDUN
COX, ROBERT JUSTIN
COX, WILLIAM E JR
CRABBE, CLARK WALDRON
CRAFT, WILLIAM PATRICK
CRAMER, MICHAEL LEE
CRAWFORD, BILLIE ELIZABETH
CRAWFORD, GEOFFREY EDE
CRAWFORD, JOHNNY LUDY
CREGGE, MICHAEL JOHN
CRISP, DONNA LYNN
CRITZ, MICHAEL RICHARD
CROCKER, MICHAEL DENISON
CROSBY, JOHN JOSEPH, JR
CUNNINGHAM, ROBERT LOUIS, JR
CUPP, RICHARD TERRELL
CORRY, PATRICK FRANCIS DAVID
CURTIS, DERWOOD CLAYIBURNE

DADY, TERESA GAIL
DALEY, WILLIAM HENRY, III
DAUGHERTY, DAVID WILLIAM
DAVILLI, THOMAS BERNARD
DAVIS, JOHN SCOTT
DEARTH, RANDOLPH SCOTT
DELERY, THOMAS ARNOLD
DEMETROPOLIS, GEORGE JOHN, JR
DEMING, CHRISTOPHER LEE
DENIS, DAVID ARTHUR
DENTON, MARILYN ANNE
DEPPE, JAMES FRANK
DESTEFANO, ROBERT
DEWEY, BRIAN EDWARD
DEWEY, EDWARD CLAYTON, II
DILLON, STEVEN FREDERICK
DOMERTY, JOHN THOMAS, JR
DULLARD, THOMAS S
DONNELLY, JOHN JAY
DONOVAN, THOMAS JOSEPH
DOONG, LAWRENCE KWONG CHU
DORSEY, GORDON O
DOUGLAS, CHRISTOPHER ALLEN
DOUGLASS, STANLEY WAYNE
DOWELL, JON CHRISTIAN
DRENNAN, BRUCE CURTIS
DRISLANE, PATRICIA ANN
DRODDY, JAMES EDWARD
DOFFIE, DAVID ANGEREAU
DUNCAN, MARSHALL BRUCE
DURKIN, JOHN JAMES, JR
DYE, MARK HOUSTON

EADS, JOHN WILLIAM
ECKELBERRY, JOHN R
EICHELBERGER, ROBERT MACNEIL
EIDSON, ANNE JEANNETTE
ELLIS, GARY JOE
EDROD, SUZANNE MARIE
ERICK, STEVEN GRAY
EVANOFF, JOHN DANIEL, II
EWING, RONALD JOHN

FABER, GERALD WILLIAM
FACKRELL, MICHAEL ALLAN
FAHRNER, GREGORY CHARLES
FALZETTA, OTTAVIO ANTONIO
FARLEY, JOHN PETER
FARLEY, MICHAEL FRANCIS
FEELEY, STEPHEN LEWIS
FERGUSON, JULIAN ALBERT, III
FERRIS, WILLIAM FREDERICK
FICHTE, SUSAN DARLENE
FITZPATRICK, BRIAN DAVID
FITZSIMONS, JOHN VERNON
FLAMMANG, HAROLD JOSEPH, JR
FLANNERY, BRIAN EDWARD
FLOYD, CHARLES ALAN
FOERSTER, BERND ALWIN
FOLLY, FRANK EDWARD
FORD, RICHARD KENT
FOREMAN, DAVID EARL
FOSTER, LESLIE
FOSTER, WILLIAM LARRY
FOOREMAN, ARIAUNA ROY
FOWLER, JOHN D MARCUM
FOX, LEONARD ANTHONY
FRANKE, ONEDIA M
FRAZIER, ROBERT LEE
FRYE, WILSON EDWARD
FUCHS, KELLY WAYNE
FULCA, MICHAEL JOSEPH
FUQUA, MICHAEL THOMAS
FURSMAN, THOMAS MICHAEL

GABOR, JAMES RAYMOND
GALICKI, DENNIS MICHAEL
GALINGER, KATHY ANN
GALLAGHER, KATHLEEN LARSON
GAMBIN, WAYNE PETER
GANTT, EDWARD WILLIAM
GARDNER, STEPHEN GREGORY
GARRETT, CARL EUGENE, JR
GARRETT, GENE WILLIAM
GARRISH, JAMES WILLARD
GERDING, GREGORY SCOTT
GEROD, DEBORAH KAYE
GHEESLING, JOE BERT, JR
GIBSON, ROBERT DOUGLAS
GILCHRIST, LORRI PAGE
GILLIAM, BRENT GARLAND
GODBOLD, WILLIAM FRANK
GOODMAN, JAMES BRAINERD
GOODWIN, JOHN WILLIAM
GORDON, ROYAL POLK, III
GORDON, VERNARD GLENTRESS
GOUGHAN, LAURENCE DOUGLAS
GOVE, DAVID ANDREW
GRANT, DOROTHY KENDALL NICHO
GREENAWALT, STANTON CHARLES
GREGORY, THOMAS JOE
GROOTHOOSEN, MICHAEL ROBERT
GUSTAFSUN, VICTOR GEORGE
GUTH, JAMES DONALD
GUTHE, DOUGLAS B

HAEFNER, ALAN MONROE
HAFFEY, GEORGE FRANCIS
HALL, DOUGLAS ALLEN
HALL, GARRY EVAN
HALLOWELL, PAUL EVAN, JR
HALSEMA, JOHN ANTHONY
HAMEL, DAVID ANTHONY
HAMILTON, RANDALL WARD
HAMMOND, CARL WILLIAM, JR
HAMMOND, JANE PETIT
HAMMOND, RICHARD STREVIG
HAMPTON, JOHN PHILIP
HANCOCK, DENNIS DUANE
HANKINS, HENRY DOUGLAS
HANNA, JAMES SAMUEL
HANSEN, WILHELM ADOLF, JR
HARDING, WARREN ANTHONY
HARRINGTON, JAMES THOMAS
HARRIS, ANDREW VAN VLEET, JR
HARRISON, DAVID C
HARRISON, JOHN THOMAS
HART, DOUGLAS RAMSAY
HART, JOHN BERESFORD
HASSLINGER, KARL MICHAEL
HAWKS, LEE ALAN
HEATH, LANE BROWN
HEATH, RONALD YOUNG
HEATH, TIMOTHY JAMES
HEIM, RONALD JOHN
HEINE, DAVID GLEASON
HEMPEL, JAMES PETER
HENDERSON, JERRY
HENDERSON, WILLIAM JOSEPH
HERBERT, MAURICE MICHAEL
HERKERT, MARK KLAUS HERMAN
HERRIOTT, RICHARD CRAIG
HESS, RICHARD WARREN
HETZEL, GARY PAUL
HICKS, WILLIAM MICHIE
HILL, GEORGE CURTIS
HILL, JOHN DAVID
HILL, STEPHEN ALPHONSUS
HILL, THOMAS BURCHAM
HILLERY, ROBERT CHARLES
HILLHUNT, PATRICIA ANN
HINE, CATHERINE ELIZABETH
HINES, BRADLEY ROBERT
HIRABAYASHI, DONNA MARIE
HIXENBAUGH, MILADY BLAHA
HOFFMAN, GREGORY WILLIAM
HOFFMAN, RICHARD GURNEY, JR
HOLLAND, EDMUND DANIEL, JR
HOLT, ROBERT LEWIS
HONEY, NANCY EILLEN
HOPKINS, DENNIS LEE
HORSMAN, JOHN PHILIP, JR
HOSKINS, THOMAS J, JR
HOVATTER, PATRICK JAMES
HOFFINE, CHARLES HENRY
HUNSUCKER, CHARLES RAYMON, JR
HUNT, PATRICK W
HUSKA, RICHARD CHARLES

ILLIG, CHRISTINA FREDRICKA
INGLES, GREGORY DAVID
INGRAM, RICHARD CAMERON

JABLUNSKI, EDWARD RONALD
JACKSON, JAMES TALMADGE, JR
JACOB, JUDEE CATLIN
JAGUE, DONALD ALAN
JAHNKE, LARRY DALE
JASKOT, RICHARD DALE
JAYNES, DONN EDWIN, JR
JENKINS, CHARLES CUNAZ
JEWETT, CARLTON BOYD
JOHNSON, AARON BRUCE
JOHNSON, KIRK EDWIN
JOHNSON, RICHARD WILLIAM
JOHNSON, SCOTT THOMAS
JOHNSON, WILLIAM VINCENT, III
JOLLER, WALTER CARL, JR
JONAS, JON BARNETT
JONES, DAVID HENRY, JR
JONES, DAVID LANE
JONES, EDGAR JOSEPH
JONES, GARY RAYFIELD
JONES, LAWRENCE M
JONES, RITA
JORDAN, EDGAR ALVIN
JORDAN, WILL HENRY
JOYCE, MAURICE STEPHEN
JOREWICZ, THOMAS ANTHONY

KAILEY, RICHARD FRANKLIN
KANE, KATHRYN LYNN
KANGALOS, ANGELO JOHN
KANOCK, ANN FINCHER
KARSTENS, MICHAEL GEORGE
KASER, ROBERT DALE JR
KASKY, PHILIP CARL
KASTEN, GEORGE DEWEY, III
KEESLING, JULIE ANNE
KEIFRIDER, WILLIAM FREDERICK
KEILTY, JOHN P
KENNARD, CHARLES WILLIAM, JR
KERSEY, JOHN KERRY JAY
KIEFER, RICHARD LEE
KIESELBACH, KENT ROBERT
KINNEY, CHRISTOPHER ALBERT
KIRCHER, HARTMANN JOSEPH, IV
KIRK, FORREST LARUE
KISH, GORDON PAUL
KLAUSS, MARK FREDRICK
KLEISER, THEODORE EARNEST, II
KLETT, MARK NEIL
KNAPP, DAVID ALBERT
KNIGHT, JAMES TODD
KNIGHT, JOHN RICHARD
KNOTT, PHILLIP CURTIS
KNOUSE, CRAIG RICHARD
KNOX, JAMES ALAN
KNUTSON, DANNY C
KOLLMORGEN, LELAND STANFORD
KORNEY, JAMES MICHAEL
KOSLOSKE, DOUGLAS LLOYD
KRAKAU, BRUCE R
KRECH, KENNETH GEORGE
KRULL, RODGER PRATT
KRUSE, MARCIA ANN
KUEHNLE, DONALD W
KUPPERS, ROBERT HARLOW, JR
KUSUDA, ROBERT ALAN

LAKE, JAMES ROBERT
LAMBUNI, MARK WALLACE
LAWTON, DONALD MARVIN
LEE, JAMES EDWARD, JR
LEGHART, MARTIN JAMES, SR
LEIGHTY, MELINDA J
LEMEN, JON FREDRICK
LENCI, MARK RICHARD
LENNON, BERNADINE ANTOINETTE
LEOPOLD, GARY R
LESHER, CLIFFORD ALAN
LESLIE, DAVID ROBERT
LEVIN, CANICE KELLY
LEWIS, BRUCE LEE
LEWIS, JOHN RICHARD
LEWIS, MICHAEL KELLER
LICATA, LEE A
LILLY, NORVELL LEE
LINDSAY, RICHARD HOWARD
LINN, KENNETH MICHAEL
LINSCOTT, JEFFREY DEAN
LIPAKI, MICHAEL SIDNEY
LIPPERT, ROLLIN GEORGE
LIPSMEYER, WILLIAM M
LISS, STANLEY MARTIN
LLOYD, GREGORY FRANCIS
LOCKE, RODNEY MARVIN
LOCKLEAR, SAMUEL JONES, III

LOMOSKI, EDWARD FRANK, JR
LUNG, LINDA DOLORES
LOPEZ, DAVID RAYMOND
LOUZER, DAVID MICHAEL
LOWELL, RICHARD WILLIAM
LUCK, CHARLES W
LUECHAUER, GEORGE ROBERT, JR
LUEKER, RANDAL EUGENE
LUKE, RICHARD THEODORE
LUNDELL, GLENN WILLIAM
LUTI, WILLIAM JOSEPH
LYNCH, JOHN

MACINTYRE, JOHN MALCOLM
MAUEEN, RONALD EDWARD
MAGILL, DAVID S
MAGUIRE, JOSEPH
MAHONEY, JAMES BERNARD, III
MALONEY, JOHN KEVIN
MANTHEI, JERRY LYNN
MARRA, DAVID LOUIS
MARSH, JAMES PHILIP, JR
MARTIN, DAVID BROWNSON, JR
MARTIN, RICHARD LEROY, JR
MARTIN, VAUGHN KENNETH
MASLEY, MICHAEL CAMIELLE, JR
MASTON, MICHAEL JOSEPH
MATHEWS, MICHAEL JOHN
MATHISON, ROBERT CRAIG
MAULDIN, RICHARD JAYE
MAONEY, CARL VANDIVER
MAURER, RICHARD HENRY, II
MAUTHE, JOHN MARTIN
MAWMINNEY, DAVID ALAN
MAYBAUMWISNIEWSKI, SUSAN CHR
MAYER, GEORGE EDWARD
MCANALLY, NANCY DAWN
MCAULIFFE, WAYNE KEITH
MCCALL, DAVID MICHAEL
MCCOLLUM, RICHARD LEE
MCCOMB, JOHN THURSTON
MCCOY, SHEILA KATHLEEN
MCCRILLIS, RICHARD THOMAS
MCCULLOM, SARAH SKIPPER
MCCURDY, RODNEY ELWYN
MCDERMOTT, MICHAEL JOHN
MCDONOUGH, MARTIN BRYAN
MCDONOUGH, ROBERT JAMES
MCDONOUGH, WILLIAM
MCGLOON, JAMES WILLIAM, JR
MCINNIS, MARCUS ALAN
MCINTYRE, MICHAEL THOMAS
MCISAAC, WILLIAM ANTHONY
MCKENZIE, COLLEEN JAY
MCKINLEY, GARY MICHAEL
MCLAUGHLIN, DON OWEN
MCMAHAN, GERALD THOMAS
MCNALLY, MARK THOMAS
MCNAMARA, CHRISTOPHER P
MCSWAIN, DONALD WILLIAM
MCTIGHE, JOHN ANTHONY, II
MEISSNER, ROBERT MICHAEL
MELNYCHENKO, GEORGE ALEXANDER
MERRILL, JEFFREY PAIGE
MERRILL, ROY ASHTON, III
MERTEN, RICHARD GEORGE
MILES, PAUL EDWARD
MILLER, ALBERT ANTHONY
MILLER, BRUCE EDWARD
MILLER, CATHLEEN ANN
MILLER, CECIL DREW, JR.
MILLER, FRANK BLAKE
MILLER, ROBERT KEVIN
MILLS, JAMES GILBERT
MINGES, WILLIAM THOMAS, III
MINGLE, LEO LESTER
MISCH, GARY LELAND
MUELLER, ROBERT THOMAS
MOFFATT, MICHAEL MINTON
MOFFATT, SUSAN LYNN
MOHR, JAMES MARTIN
MOODY, MARTIN LOUIS
MOODY, THOMAS RAY
MOORE, WILLIAM FENTON
MORRELL, KENNETH ARNOLD, JR.
MORRISON, CHARLES ERNEST
MOSS, LEE OWEN
MUELLER, LEONARD, IV
MURPHY, DANIEL ROBERT
MURPHY, LEO FRANCIS
MYERS, LAWRENCE EDWARD

NAGEL, KENNETH GEORGE
NALL, STEVEN FORREST
NAPLE, TIMOTHY MICHAEL
NATALE, JOSEPH JOHN
NAWROCKI, JOHN THADDEUS
NELSON, ARNE JOHN
NELSON, ROBERT WAYNE, JR.
NESHIEM, PAULETTE RAE
NESSETH, RODNEY WAYNE
NICOL, ROBERT GLENN, JR.
NIMITZ, STEPHEN CLARK
NORTHAN, DONALD R
NORTON, CARLETON PORTER
NORTZ, JOSEPH EDWARD
NOWAKOWSKI, MICHAEL PETER

OAKLEAF, ANN CHERYL
OBRIEN, DAVID RICHMOND
OCONNOR, MICHAEL PATRICK
OCONNOR, THOMAS JOSEPH, JR
ODAY, DALE KATHLEEN
OFFER, DEREK FRANCIS
OHANLON, RICHARD
OLCOVICH, GEORGE EDWARD
OLEARY, JAMES JOSEPH
OLIVER, MICHAEL ROLLAND
OLIVERIA, DAVID KENNETH
OLSON, CARL DAWSON
ORBUELA, WILLIAM RALPH
OROORKE, JAMES JOSEPH
OROORKE, JOHN TOWER
OWEN, RICHARD P
OWENS, CHRISTOPHER DAVID
MOWENS, PHILIP ALLAN
OWSLEY, ROBERT CLARK
PAGANO, RANK EDWARD
PAGE, MARSHALL TYLER
PARCE, JOHN DICKSON
PARHAM, WILLIAM LYNN, JR
PARICO, ROBERT FRANCIS
PARISH, DAVID CLARK
PARK, STEPHEN JAMES
PARKER, DESLEY SANT
PALLERSON, ROBERT FREDERICK
PATTOON, DANIEL CHARLES
PAULIS, JOSEPH JOHN
PEARSON, VICKI SUE
PECH, DAVID JOSEPH
PERKINS, RICHARD CHARLES
PETERSON, PAUL DANIEL
PETERSON, WAYNE
PHILIPP, DOUGLAS TYLER
PHILLIPS, DANIEL EUGENE
PHILLIPS, DUANE JOHN
PHILLIPS, JOY LYNN
PHILLIPS, THOMAS FRANK
PISEL, KENNETH PHILLIP, JR.
PLACE, WILLIAM DAVID
POKORNY, WILLIAM A., JR.
POLLEY, DAVID PRESCOTT
POLO, RAFAEL LAZARO
POTOPSINGH, FLAVIOS CONSTANT
POTTER, DON HOLLIS, JR.
PURCELL, MARC LIONEL
PURDY, MARY CATHRYN HAMILTON
PURSER, GUY RONALD

QUILICI, LEO JOSEPH, II
QUINN, CHRISTOPHER DUNCAN
QUINN, TIMOTHY PATRICK
QUIRK, EDWARD JAMES

RACETTE, WILLIAM ANTHONY, JR
RAMIREZ, MICHAEL THOMAS
RANKIN, CRAIG ALEXANDER
RAY, DAVID CLARK
READE, ANTHONY RAYMOND
REILLY, ROBERT DUNHAM, JR
REILLY, THOMAS JAMES
REILY, PATRICIA JOANNE
REISH, ROBERT ALLEN
REYNOLDS, RUNDEL GENE
RICHE, ROBERT SHELDON
RICHER, PIERRE JOSEPH
RIEGER, RICHARD ALBERT
RIGAZZI, RICHARD ANTONY
RIKARD, RALPH MILLER, JR
RINGER, THOMAS JAY
RIUS, PATRICIA BARROW
ROBERTS, ALVIN NAPOLEON, JR
ROBERTS, KEITH ALAN
ROBINS, SALLY SCOTT
ROBINSON, DECATUR MAYNARD
ROGERS, DAVID ANDREW
ROGERS, EDWARD JOSEPH, III
ROHLING, HENRY JOHN
ROLLINS, RICHARD LEE
ROMANO, STEVEN
RONACHER, ANDREW JOSEPH, JR
ROSENTHAL, ELLEN SUE
ROSS, JOHN KIRKLAND
ROOMAYA, LOUIS THADDEUS
ROOSE, ALFRED CARR
ROWLAND, GEORGE FENTON, JR
RUDD, DEE ANN KAAZ
RUDD, JERRY ALAN
RUOTI, ANTHONY JOSEPH, JR
RUSH, RICHARD CRITTENDON
RUSSELL, BRUCE RAE
RUSSELL, DARRELL ANTHONY
RYAN, DAVID MICHAEL

SAGEN, MICHAEL ERIC
SALLEY, ROBERT JAMES
SALTER, LARRY GENE
SANTOWSKI, RICHARD DANIEL
SAPP, JEFFREY K.
SAUNDERS, CHARLES CONRAD
SCHENZEL, WILLIAM PAUL
SCHERER, ROBERT JOHN, JR
SCHILLING, DEAN WALTER
SCHIRES, BRIAN GERALD
SCHOENBAUER, MARTIN JOSEPH
SCHOLES, MICHAEL LYNN
SCHOULTZ, ROBERT PARKER
SCHRUCK, GERALD PAUL
SCHUTZENHOFER, ROBERT RUDOLPH
SCOTT, GLORIA JEAN CUMMINGS
SEEDORF, ROGER WILLIAM
SEIWALD, MICHAEL JOSEPH
SELBY, BRENDA FAY
SENNESS, PAUL ROBERT
SERFASS, PAUL THEODORE, JR
SGRO, DAVID CHARLES
SHANNON, WILLIAM EDGAR, III
SHARP, JAMES THOMAS
SHARP, JANE KATHRYN
SHARP, MICHAEL ALAN
SHARRETT, PATRICK JAMES
SHEEHAN, JOHN JOSEPH, III
SHEGROD, STEVENS KELLER
SHELTON, JAMES MILTON
SIMMONS, CARLTON ANTHONY, JR
SIMMONS, LARRY RICHARD
SISTERHEN, GEORGE WILLIAM
SLENLZWALEN, HAROLD GIBBS
SLOSS, DANIEL DAVID
SMITH, DAVID HARRISON
SMITH, JOHN WILLIAM
SMITH, JUDITH ANN MILLER
SMITH, LUANNE JOY
SMITH, PAUL THOMAS
SMITH, STEVEN SAMUEL
SNEED, BRANDON M.
SNYDER, JAMES SIDNEY
SOKOLOWSKI, JOHN ANTHONY
SOLEM, CRAIG ROBERT
SOUDER, CHARLES CURTIS
SPADARO, ANGELO JOSEPH
SPILMAN, THEODORE LOUIS, III
SPURR, JOSEPH JAMES
SQUICCIARINI, PETER DANTE
STAFFORD, CALVIN THOMAS
STAFFORED, JOE N.
STAGL, FRANK PETER, JR
STAIR, GERALD KENT, JR
STAKEM, ANNE BATCHELDER
STANLEY, PAUL STEPHEN
STANTON, PAUL EUGENE
STARK, JAMES KING, JR
STARZY, VIRGINIA LYNN
STEEN, ALLEN ROBERT
STEGER, JAMES MICHAEL
STEINBAUGH, MICHAEL LEE
STEPHENSON, GEORGE MARTIN
STEPHENSON, MICHAEL PAUL
STEVENS, IRA BOYD
STEVENS, RICHARD EVERETT, JR
STIVERS, JOHN VICTOR
STRAIGHT, GEORGE W., JR
STRANCE, KRISTOPHER LEIGH
STROIT, JOHN BURNETT
SULLIVAN, CHRISTOPHER PAUL
SULLIVAN, MARK DAVID
SURBRIDGE, THOMAS BOND
SWEENEY, KEVIN JOHN
SWEENEY, MARK JAMES
SWEENEY, RANDAL CLAY
SWEENEY, ROBERT LOUIS, III
SWOISH, DOUGLAS RAYMOND

TANT, LAWRENCE EDWARD
TAYLOR, ALFRED WAYNE
TAYLOR, DAVID CHURCHILL
TEATES, JOHN FRED
TENGA, RICHARD
THOGERSON, JOHN, II
THOMAS, DAVID LYLE
THORNE, WILLIAM ROBERT
TIMM, RODNEY DEAYNE
TOMAZIO, ROCCO GUY
TOMKINS, PHILIP AUSTIN
TOWNER, RICHARD LOUIS
TRACY, MICHAEL CHARLES
TRACY, ROBERT E., JR
TRITT, GREGORY EUGENE
TUOHY, MATTHEW WILLIAM
TURCOTTE, STEPHEN ALLAN
TUTEN, HAROLD REDDING
TYSON, DAVID SHELDON

VAGTS, WAYNE FRANZ
VAUGHN, GREGORY MARTIN
VECCHIULLA, THOMAS ANTHONY
VEHSLAGE, LOUIS MOBANE
VEIGA, ANTHONY ALBERT, JR
VERHUFSTADT, FRANCIS ALBERT
VERMILYEA, SHARON LEE
VERNON, ROBERT JOHN
VIBERT, JOSEPH JOHN
VILOTTI, DANIEL THOMAS
VISCOVICH, PAUL WILLIAM, JR

WAGNER, CHARLES GILBERT
WAGNER WAYNE AVERS
WALKER, FARLEY LEE
WALKER, WILLIAM ROBERT, JR
WALLACE, DAVID BRUCE
WALLACE, JUSTIN LEW
WALSH, JOHN JOSEPH
WALSH, JOSEPH A.
WALSH, STEPHEN WILSON
WALTERS, CLYDE THATCHER
WALTERS, JOHN MICHAEL
WARD, DAVID THOMAS
WARMBRONN, ROBERT JOHN
WARNER, JOHN RAYMOND
WASHINGTON, LEROY LOUIS, JR
WATSON, LARRY JAMES
WATSON, MICHAEL GRANT
WATT, THOMAS ROBB
WEAVER, FLOYD RALPH
WEAVER, KEITH THOMAS, II
WEBBER, CHARLES FERGUSON
WEBER, BRUCE ALLAN
WEDDLE, JEFFREY D
WEGNER, BRIAN JOHN
WEINHARDT, STEPHEN ALLEN
WEIR, STEVEN THOMAS
WELLOCK, STEPHEN MARK
WENTZEL, BRUCE MORRIS
WEPPLO, JOHN HENRY
WERONKO, WILLIAM ALLEN
WEST, CAROL
WEST, ROBERT CHARLES
WHITE, JAMES FREDERICK, III
WHITE, SCOTT RANDALL
WHITE, STEPHEN ROBERT
WHITEHEAD, CORNELIA DE GROOT
WHITMER, LYNDEN DUANE
WILDEMANN, LEONARD WALTER, II
WILLIAMS, CHARLES ELRA, II
WILLIAMS, RICHARD BARRY
WILLIAMS, RUSSELL THOMAS
WILLIAMS, THOMAS DARIUS, IV
WILLIS, JOSEPH WALTER, JR
WILLIS, MONTGOMERY PAUL
WILLSON, JOHN LANE
WILLY, JAMES MICHAEL
WILSON, DAVID JOSEPH
WINDSOR, GEORGE BURTON
WING, VERN FRANKLIN
WITTENBERG, CHARLES FREDERIC
WOLFF, WILLIAM STEVEN
WOOD, DAVID WILLIAM
WOODARD, TRYGVE MYLO
WOODS, JAMES AUGUSTUS, JR
WOOTEN, HUBBARD SMITH, III
WRIGHT, WILLIAM FRED
WRUNA, KENNETH WALTER
WORZEL, DONALD JOSEPH
YATES, SANDRA JAGGER
YOUNG, GREGORY DENTON
YOUNG, ROBERT JOSEPH
YOUNG, ROBERT VANCE
YOUREE, LINDA MARGARET
ZACHARIAS, DAVID ALEXANDER
ZAPOLSKI, EDWARD STANLEY
ZELLER, RANDEL LEONARD
ZIGNEGO, DOUGLAS JAMES

ENGINEERING DUTY OFFICERS

To be commander

ARMSTRONG, DAVID THOMAS, JR
BECKER, JOHN J
BIEGELEISEN, LOUIS KING
BOURNE, CARLTON MITCHELL
BROOK, JEFFREY ALLEN
BROWN, GARY LEROY
BROWN, WILLIAM HAROLD
BRUNSON, FRED WENDELL, JR
BUTLER, JOHN DALE
CADWELL, CHARLES ARTHUR, JR
CECERE, MICHAEL LEWIS, III
CETEL, ALAN JEFFREY
CONNELL, ROGER JOHN, JR
COULTER, STEPHANIE LYNNE
EDWARDS, JOHN A
FITZGERALD, JAMES EDWARD, III
GAMBLE, DAVIS RUDOLPH, JR
HAMMER, DAVID ALLEN
HERBEIN, DAVID SAMUEL
HUTCHESON, CHESTER JACKSON, I
JOHNSON, MICHAEL DAVID
JONES, STEVEN ALLEN
KAESER, DANA STEPHEN
LANGAN, JOHN RICHARD
LARSON, KEITH ROBERT, JR
LORHAMMER, DUNN NORMAN
LOUIE, CHUCK LONG
LUEBKE, WILLIAM HOWARD
MANDIGO, ALAN MITCHELL
MARSH, BERT
MASON, BRADLEY J
MASON, JAMES THOMAS
MCCAULEY, JEFFREY FRANCIS
MORGAN, EDWARD BENJAMIN
MULHOLLAND, DAVID JOSEPH
NISHIMUKA, RODNEY
NULLIE, THOMAS CLYDE, JR
OHARE, MARK STEPHEN
PARKER, FREDERICK HOBBS
POLLARD, MARSHALL
PRITCHARD, NULIE

DELTON, JR
PRUITT, TED E
RIES, DANIEL EDWARD
ROBERTS, ROGER WILLIAM
SCHWARTING, RICHARD ALVIN
SHAW, RICHARD STEWART
SIEDBAND, MARC AARON
SMART, SCOTT WILLIAN
THOMPSON, CHRIS ALLEN
TRITCHLER, WAYNE KURT
VASQUEZ, HARRY WAYNE
VIOLETTE, THOMAS F.
WALKER, LAMBERT ROGER, III
WATSON, JOHN ANTHONY
WEBB, KENNETH RAY
WHYMS, MICHAEL LEE
WICKS, JAMES HENRY, JR
WILHOIT, GEORGE ZACHARY

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be commander

BOLINGER, WILLIAM KELLY
BORD, JAMES EDWARD
CLARK, RICHARD NOBLE
CURTIS, JOHN THOMAS
DELPINO, JOSEPH MICHAEL
DUNLAP, DONALD KING
DUYM, WADE DOUGLAS
EDGAR, LESLIE IRVINE
EVANS, TIMOTHY SCOTT
GAGNON, DONALD ROBERT
KOPOVITS, TERRY MICHAEL
LANGFORD, JOHN DEN, JR
MASSICOTTE, THOMAS EMILE, JR
MCCORKLE, JACK WOODWARD, JR
MCKANNON, THOMAS MARTIN
NOVAK, PAUL MICHAEL
ONEILL, GARY SEAN
ROGERS, WALTER LEO
SMITH, GARY PHILIP
STICHTER, MICHAEL CHARLES
WINSTON, JEFFREY NEWELL

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be commander

CLARKE, STEPHEN PAUL
CLAWITER, JAMES HENRY
CONNAL, EDSON NELSON, JR
DIERMAN, DIANE JEAN
EZZARD, HENRY SPEER, JR
FITZGERALD, CHERYL ANN
GIBSON, STEVEN BRADLEY
LANINI, ERNEST DALE
LAUDERDALE, WALTER RICHARD
LIVINGSTON, CRAIG BRUCE
LYNCH, ANNE
MARKS, KENNETH ALLEN
VANSICKLE, JOHN DAVIS

AVIATION DUTY OFFICERS

To be commander

HOWARD, WALTER GREGORY, JR
SCHWARZROCK, GARY LOGAN

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

BOYD, LLOYD RUSSELL, JR
FIEDTKOOLEONARD, ELLIS ARVIN
HUTCHINSON, RICHARD M., III
KETTERER, BARRY LINN
KURDYS, MARTIN PAUL
LINTHICOM, RICHARD C
MYERS, CHARLES NEWTON
KAY, PHILIP DANIEL

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

ABBOTT, EDWIN DALE
ABBOTT, THOMAS RALPH
AMBLER, JAY C
ASKINS, LARRY EDWARD
BEAUVAIS, DOUGLAS JAMES
BLACK, MICHAEL THOMAS
BRANDON, HARRY MARCUS
BROWN, ELENA WEICKARDT
COX, JAMES CRAWFORD, JR
CRUMLEY, EDWARD CRAIG, JR
HOLMES, THOMAS BERNARD, JR
JAYCOCK, STEPHEN CHARLES
LAAKSO, WILLIAM LEONARD
LAWRENCE, MARK STEPHEN
LEVI, JOSEPH CANAN
MYERS, ERIC M.
OZOOP, WESLEY ALAN
RICHASON, STEVE KANE
ROCKER, FREDERICK
SMOUSE, WILLIAM MORTON
STROHMEYER, DONALD FRANCIS
TATE, JOHN CASWELL
VAUGHN, HOLLY ANNE
VINER, KIMBERLY DOUGLAS
WAHL, MICHAEL JAY
WEIDMAN, ROBERT PAUL

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

FARRAR, GEORGE WILLIAM
QUIGLEY, CRAIG ROBERT

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

CALLAND, WYNN EDWARD
CLARK, ROBERT LOUIS
DONALDSON, THOMAS QUINTON V
HALL, CHRISTOPHER JAMES
JARAMILLO, BERNARDINO JOSE
LARSEN, DENNIS GLENN
RANELLI, PETER HENRY
STRINGER, GARY LEE
SWAYKOS, JOSPEH WALTER
WARRENFELTZ, LARRY LEE

LIMITED DUTY OFFICER (LINE)

To be commander

ALBURY, MERRILL C
BISSONNETTE, JOHN R
CAMPBELL, DAVID B
CASTLE, WILLIAM R
DREWES, KENNETH N.
FARLEY, DAVID E
FREEMAN, JAMES B
GEITHMANN, GARY RICHARD
GUNTER, DANNY OLIN
HANSON, JAMES H
HURDLE, DANIEL C., JR
JAEH, ROLAND H
MAURER, PAUL M
MOON, EWARD MARION, JR
PROCTOR, DANNY LEE
ROHLF, DALE MERTON, JR
SMITH, GEORGE W
STODDARD, LEON BERT
THOMAS, RICHARD HUGH
TIDD, THOMAS JOSEPH
WILLITS, LARRY LESTER

EXTENSIONS OF REMARKS

MORE THAN 60,000 FREE PHONE CALLS MADE BY OREGON NEEDY ON COMMUNITY PHONE NETWORK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. WYDEN. Mr. Speaker, a little more than a year ago, a unique project was launched in Oregon to provide free access to phone service for the low income. This project, known as the Oregon Community Phone Network, has produced outstanding results that I'd like to share with our colleagues. To date, more than 60,000 local phone calls have been made at 24 community phone centers throughout Oregon.

Through Oregon's Community Phone Network, low-income citizens can make free local phone calls at senior centers, community action centers, libraries, chambers of commerce, and other social service agencies.

These phones have helped Oregonians find jobs, obtain urgent medical care, locate shelter, and reunite their families. What's more, these outstanding results have been accomplished without any government mandate, and without the ratepayers and taxpayers of Oregon having to cough up a single nickel. The entire cost of the project has been borne by the shareholders of the phone companies, without any increase in telephone rates.

Currently, eight telephone companies in Oregon are involved in the community phone network: U.S. West Communications (formerly Pacific Northwest Bell), GTE Northwest, United Telephone Co. of the Northwest, Canby Telephone Association, Contel of the Northwest, Molalla Telephone Co., Scio Mutual Telephone Association, and Stayton Cooperative Telephone.

The project originated in 1987, when I asked U.S. West Communications to consider how much good a network of free local phones could do for those without jobs, homes, or simply the financial wherewithal to afford their own phone. U.S. West responded by setting up 13 community phone centers. That initial effort was so successful that U.S. West received a 1988 Presidential Citation for Private Sector Initiatives.

After approaching U.S. West, I asked other major phone companies in Oregon to establish similar services at a central location in their service areas. To their credit, they moved quickly and the network has expanded to include communities from one end of the State to the other. Several companies have announced plans to expand the service to additional communities.

The need for the community phone network is clear. About 65,000 Oregonians, and 7 million people nationwide, are without residential phone service. Some 650,000 of those homes are headed by senior citizens, who face special problems when emergency medical help is more than a bedside away.

As the following statistics from Oregon demonstrate, the community phone network helps to fill that vital need. The chart shows the number of calls made at each center, as well as totals for each company's community phone network. (Dates given are from the opening of each company's first community phone center through March. Some individual centers may have opened more recently).

US West Communications

Center:	Calls[1]
Bend	633
Corvallis	1,896
Eugene	12,369
Klamath Falls	2,929
Medford	1,057
Oregon City	148
Pendleton	17
Portland:	
Ecumenical Parish	2,654
Human Solutions	2,665
Northwest Pilot Project	10,766
Portland Impact	7,690
Urban League	11,756
Roseburg	1,820
Total	56,400

[1] December 1987 to March 1989.

GTE Northwest (GTE's call figures are estimates)

Center:	Calls[1]
Hillsboro	2,484
Gresham	2,340
McMinnville	2,340
North Bend	2,808
La Grande	1,638
Total	11,610

[1] June 1988 to March 1989.

United Telephone of the NW

	Calls[1]
Center: The Dalles	122

[1] December 1988 to March 1989.

Several of the phone companies have not kept complete monthly statistics on the number of calls made on their community phones. However, their contribution to the project's success is no less significant. Listed are the cities in which these community phone centers are located and the date phone service was started.

Canby Telephone Association, Canby, March 1989.

Contel of the Northwest, Silverton, December 1988.

Molalla Telephone Co., Molalla, March 1988.

Scio Mutual Telephone Association, Scio, December 1987.

Stayton Cooperative Telephone, Stayton, May 1988.

As demonstrated above, the volume of calls and number of centers clearly highlights the need for the community phone network. Many people are taking advantage of the opportunity provided by these communications companies to live more productive and comfortable lives.

In addition, several of the community phone centers report an unexpected but welcome result. Many of these locations—senior centers, community centers and the like—previously were deluged with requests from people to use the centers' regular phones. Phone lines became tied up, putting additional demands on the centers and their employees. But the installation of a phone specifically for community use has resolved that problem and allowed the centers to operate more efficiently.

Last year, to bring awareness of the community phone network to people outside of Oregon, I introduced House Resolution 351, which passed the House unanimously. The resolution urged the Nation's telephone companies to voluntarily establish free community phone service for people who can't afford residential telephones.

In conclusion, Mr. Speaker, a primary reason for the community phone project's success in Oregon has been the generosity and cooperation of the participating phone companies.

I applaud the efforts of these companies and their willingness to pitch in and serve the needy. And I hope Oregon's Community Phone Network will continue to grow and serve as a model for assisting the millions of citizens in our country who tragically still lack basic phone service.

VFW VOICE OF DEMOCRACY WINNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. SKELTON. Mr. Speaker, I rise today to read a script by a 16-year-old girl from my home district. Edna May Grover is a sophomore at Licking High School in Missouri. She wrote and presented this speech, which was the Missouri winner for the 1988–89 Veterans of Foreign Wars Voice of Democracy Scholarship Program.

PREPARING FOR AMERICA'S FUTURE

(By Edna May Grover)

I asked myself, "What is so great about America?" And the answer I received from myself was, "The firm foundation." You cannot get any firmer than solid rock. Add one hundred devoted Christian Pilgrams and one Plymouth Rock and you have the foundation for a super power.

And our forefathers didn't stop at the foundation. God has showered upon our country over two hundred years of blessings. We have enjoyed years of unprecedented wealth, freedom and influence. America has opened her arms to millions of immigrants and refugees, first from Europe, then, more recently, from the Far East: Lao-

tians, Boat people, Vietnamese. Add to these, new residents from Mexico and the Latin countries.

While other nations are building barbed-wire fences to keep people from getting out, America greets a long line of people waiting to get in. Our country is young, but its past is almost untarnished. And, that is why, I, as a youth of this great country, often worry about whether or not the future will be as great. And, I am afraid.

The transformation of a nation begins on a personal level. Let us pray, first, for ourselves, that we may not lose the word, concern, out of our lives. Let us hope for moral forces everywhere, that they will grow and overcome. Let us support out national leaders so they will intercede into the course of politics to push self-reliance back into the average American's life, and to bring back the priorities and resistance that thrived in the past. America is too young to die. Therefore the choice before us is plain—conviction not compromise, discipline instead of disintegration. I am rather tired of hearing about my rights and privileges as an American citizen. The time has come when I ought to be hearing about the duties and responsibilities of my citizenship.

America's future depends upon her children. They are the living message we will send ahead to the times we cannot see. Let us teach each individual child that they cannot do everything, but they can do something. Also, that what they can do, they should. Let us hope, for the future of America, that they will.

We must pass on to the children the visions of perfection. For the children of today will be the Congressmen and Senators of tomorrow. We need to produce a nation of people who love their country and are willing to serve it.

After the signing of the Declaration of Independence a lady sidled up to Benjamin Franklin.

She asked, "Well, Dr. Franklin, what have you given us?" He answered, "You have a republic, madame, if you can keep it."

There had been other governments before that, which had gone by that description—that word, "republic." But, those were different—different in origin, different in nature, different in structure. The best of that past was incorporated into this new and true republic. The rest, the excess, was rejected.

Now that the government has been refined we may begin to refine the people. Our main goal should be ourselves, our sons, and our daughters. We want a government for and by the people, not a people for and by the government.

As Ralph Waldo Emerson stated . . . "The true test of the civilization, is not the census, nor the size of the crops, but the kind of men that the country turns out."

America will be great only if her people are great. But, the time to begin these improvements is now, for if we wait for the future to begin preparing for the future . . . when will we start? If we can only assume the responsibility to incorporate the greatness of our countries past into the promise of its future, then we will have indeed earned the title, "The Super Power".

PO1C. MICHAEL HELTON

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. MAZZOLI. Mr. Speaker, we, as a nation, mourn the loss of the 47 sailors who perished in the explosion aboard the battleship U.S.S. *Iowa* during training exercises in the Atlantic north of Puerto Rico. We share the pain and anguish their families are experiencing today.

I was particularly saddened to learn of the death of PO1c. Michael Helton, who was from Louisville, KY, which I am privileged to represent in Congress. Petty Officer Helton, who served as a legalman aboard the U.S.S. *Iowa,* was a quiet dedicated man who showed a great love for his family and his country.

There are, and always have been, risks involved with defending and preserving our country. Those risks will remain a part of the everyday life of those who choose to protect our great Nation. Those, such as Petty Officer Helton, who accept these risks in the service of their Nation deserve our respect and everlasting gratitude.

PO Michael Helton, and his 46 fallen shipmates from the U.S.S. *Iowa,* will never be forgotten. I offer my condolences and prayers to his widow, Peri, and to his family and loved ones.

THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH HONORS SEMPO SUGIHARA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to call attention to a special event planned by the Anti-Defamation League of B'nai B'rith to honor one of the unsung heroes of the Nazi Holocaust. This year the ADL has chosen to honor a remarkable individual, Sempo Sugihara, as part of the annual observance of Yom HaShoah, the Day of Holocaust Remembrance.

As names come forward of the men and women who risked their lives to save Jews from the Nazi Holocaust, one of the most unbelievable stories is that of the late Sempo Sugihara. While Sugihara was Japanese consul in the city of Kovno in Lithuania, he defied his own government by issuing transit visas to Jews in order to aid their effort to escape Nazi persecution. Mr. Sugihara is credited with saving the lives of 6,000 Jews and attempting to help thousands of others. Accepting the award for the Sugihara family will be Mrs. Sugihara and their son Hiro who will be traveling to New York from Japan for the commemoration.

Although Sugihara has received recognition by Yad Vashem in Israel, this is the first time he will be honored in the United States. In light of his heroic efforts, the ADL will present him with its Courage to Care Award on May 2 at a ceremony taking place at their Holocaust Memorial Wall on Dag Hammarskjold Plaza.

Mr. Speaker, I am sure that all my colleagues in the U.S. House of Representatives congratulate the ADL on the fine selection of the 1989 recipient of the Courage to Care Award. It is very important to remind everyone of the many individuals who risked their lives to help others.

EULOGY TO JOHN W. PATTON

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. SMITH of Iowa. Mr. Speaker, John W. Patton, 83 years old, of Independence, IA, recently died at the East Towne Manor Nursing Home on March 8, 1989. Mr. Patton had a long and successful career of public service, having served in the Iowa State Senate from 1965 to 1969 and in the Iowa House from 1971 to 1973. He was a past member of the Iowa Commission on Aging, as well as being a member of the Agricultural Stabilization and Conservation Service. For over 20 years, he was a director of the Buchanan County Rural Electric Cooperative and also served as president of that organization. He also served as president of the Aurora Cooperative Creamery and as a Byron Township trustee. Mr. Patton was a life-long farmer in the Lamont and Aurora areas before retiring in Independence. Prior to his death, he was active in senior citizen and community affairs as well as assuming a vigorous role in the Democratic Party. Mr. Patton is survived by his wife, Alma Elizabeth; a daughter, Lois Brimmer, of Independence, and a son, Douglas, of Washington, DC. Descendants also include six grandchildren and six great grandchildren.

Mr. Patton, by his unselfish dedication to public service, contributed substantially to the community and state. He had many admirable personal qualities which are summarized by this eulogy.

The eulogy follows:

EULOGY TO JOHN W. PATTON, APRIL 27, 1905 TO MARCH 8, 1989

(Written and delivered by his son, Douglas J. Patton at the funeral service, March 11, 1989)

We are all here today to witness the journey of a beloved man and father to his new home. This man, John W. Patton, was a product of Irish parents, born on the American prairie. Not unlike many of you gathered here today, he struggled through the great American Depression to be successful and raise a family. These families due to ease of mobility and opportunity move elsewhere. But like ours today, they come home to witness the journey.

My Dad's characteristics are familiar to all of us here today—his love of the soil and farming; the dances he frequented and loved; the upraised fist signalling recognition to his many friends and acquaintances; the dedication to public service; an occasional drink of scotch; the great Irish wit and hearty laugh; the empathy to others in less favored situations; visits to the fish frys in Masonville, his childhood home; his playful wrestling bouts with his grandchildren and even great grandchildren; his ability to fix almost anything which had been a necessity

to be successful in farming in the '30s, '40s, and '50s; the dedication to the seniors of which he was one; his all encompassing thirst to read and learn from books and periodicals, and lastly his honesty and integrity. These characteristics we knew to be John and my Dad.

Today, Dad goes on the journey to a new home, a journey traveled by those close relatives, friends and neighbors before him—the relatives: his brother, Jim, his sisters, Alice, Ella and Anna; brothers-in-law close to him: Al, Dutch, and Earl; the neighbors with names like Wilson, Martin, Briggs, Yeoman, Luloff, Cocking, Fry, and Arnold; his many friends with names like Reckemmer, Keegan, Brickley, Peterson, Ryan, Decker, Gallery, Andrews, Gaffney, Reed, Collins, Brock, and McDevitt to name just a few.

In concluding, I wish to tell a little story about a proverb learned from my Dad. It was supper one evening when I was 13 or 14, and in one of the school classes I was experiencing some difficulty, of which I was putting blame on the teacher, as teenagers are wrought to do in not obtaining a better grade. He looked at me sternly and said a sentence I have not forgotten: "You better knuckle down and make something of yourself or you will be digging ditches the rest of your life." That look and sentence made the point of the proverb of Solomon, son of David, King of Israel, from the Bible: "He who spares the rod hates his son, but he who loves him is diligent to discipline him."

Dad, as we all love you, have a safe journey to your new home. As John Denver said in his song: "Country road, take me home."

THE LOCAL COMMUNITY EMERGENCY ASSISTANCE PROGRAM

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. FOGLIETTA. Mr. Speaker, today I am introducing the Local Community Emergency Assistance Program to provide localities with more Federal funds that can be used to enhance their own local budgets.

This is a time of crisis for American cities. And it is time for Congress to get back in the business of helping our cities survive; help bust drug dealers, help AIDS patients, house the homeless, but also pick up the trash, police our streets, and educate our children.

Now, I can just hear George Bush tell us to read his lips again and say, "No."

But I say to him, "George, it's not very kind or gentle on our city streets. Come to Philadelphia, George, instead of the Amish country, and I'll show you."

My bill would bring back a more modest—but stronger—revenue sharing program, and better target the money to communities that really need it. The 1980's have been cruel to our cities. Under the Reagan administration, the Federal Government dramatically pulled back from the its commitment to urban areas.

Urban Development Action Grants were dismantled.

Community Development Block Grants were cut by almost 50 percent.

Urban Mass Transit Grants were slashed by 27 percent, and now are a candidate for demise.

And the General Revenue Sharing Program was zeroed out at the end of 1986.

Overall, Philadelphia has experienced a 36 percent reduction in Federal aid since 1981. No doubt this drastic reduction in Federal aid is one of the most fundamental reasons for this city's current fiscal crisis.

Revenue sharing represented an average of only 3 percent of its operating budget from 1972 to 1986. But it had a genuine effect on the amount of money the city could spend on basic city services.

In 1986, the $45 million Philadelphia received from the program translated into approximately 1,864 jobs. And it is not a coincidence that this figure is so close to the number of workers the city has pared down to in the last year.

Philadelphia used its revenue sharing funds to pay for streets, fire, health, recreation, and libraries. When revenue sharing was cutoff, these were the programs that were hurt.

Philadelphia is not alone. Most urban areas face the same dilemma and need similar help.

The city of Los Angeles, for example, had to cut crucial programs by $74 million and layoff close to 2,400 workers. It had to shut down 14 fire stations and fire over 150 firefighters.

The city of New York, which used all of its revenue sharing dollars to employ more teachers in its public school system, had to layoff approximately 8,100 teachers when revenue sharing was abandoned in 1986.

This is why I am introducing Local Community Emergency Assistance Program. This bill would revive the old revenue sharing program, but with needed changes. Under the old law, large metropolitan areas, like Philadelphia, received a disproportionately lower share of the Federal moneys than did many smaller, less deserving communities. This was because the original revenue sharing formula set a ceiling on the amount of aid that a locality could receive. If a locality's projected share rose above the ceiling, then it was lowered to the ceiling level.

This formula was detrimental to large urban areas because the projected allocations for large cities often rose above the ceiling. Areas like Beverly Hills and Greenwich, CT, were on the same footing as Philadelphia. That just wasn't right.

My bill would alter this allocation formula by raising the ceiling so that metropolitan areas would receive a greater portion of the Federal funds. The bill would also require greater public debate about the way the funds are spent.

Now, I can hear George Bush say that this is not a proper role for the Federal Government.

But, I think he's wrong.

And I think our constituents will agree.

For the people of our Nation's cities, the time has come to build the foundation for a kinder, gentler nation.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Community Emergency Assistance Act of 1989".

SEC. 2. USE OF REVENUE SHARING FORMULA.

(a) REPEAL OF PROVISIONS THAT REPEALED REVENUE SHARING LAW.—Title XIV of the Consolidated Omnibus Budget Reconciliation Act of 1985 is repealed.

(b) RESTORATION OF EFFECTIVENESS OF REPEALED AND AMENDED PROVISIONS.—The provisions of chapter 67 of title 31, United States Code, and the other provisions amended by title XIV of the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be effective as if such title had not been enacted.

(c) RETROACTIVE EFFECT.—The provisions of this section shall be effective as if enacted on April 7, 1986.

SEC. 3. REDESIGNATION OF PROGRAM.

(a) AMENDMENT.—The analysis for chapter 67 of title 31, United States Code, is amended by striking out the chapter heading and inserting the following:

"CHAPTER 67—LOCAL COMMUNITY EMERGENCY ASSISTANCE PROGRAM".

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V of title 31 United States Code, is amended by striking out the item pertaining to chapter 67 and inserting the following:

"67. Local Community Emergency Assistance Program ..... 6701.".

SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) DURATION OF AUTHORIZATION.—Section 6701(a)(1) of title 31, United States Code, is amended to read as follows:

"(1) 'entitlement period' means each one year period beginning on October 1 of 1989, 1990, and 1991.'.

(b) AMOUNT OF FUNDS AUTHORIZED.—Section 6703(b)(2) of such title is amended by striking "$4,566,700,000" and inserting "$2,000,000,000".

SEC. 5. ALTERATION OF ALLOCATION FORMULA.

Section 6712(a)(1) of title 31, United States Code, is amended by striking "145 percent" and inserting "175 percent".

SEC. 6. ADDITIONAL PUBLIC REQUIREMENTS.

Section 6714(a)(1) of title 31 United States Code, is amended by adding at the end thereof the following new sentence: "In the case of a state or unit of general local government that receives more than $1,000,000 for such fiscal period, such government shall hold at least one additional hearing for such purpose for each additional $1,000,000 received. Such additional hearings shall be held at different sites and distributed, as nearly as may be practicable, throughout the jurisdiction of such government.".

A TRIBUTE TO SUPERSTAR HULK HOGAN

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. DYMALLY. Mr. Speaker, in a recent interview with Ebony magazine, I was asked about my favorite Broadway performance. Implicit in this request was a question about my hobby. "Wrestling is my Broadway entertainment, with Hulk Hogan at center stage." I replied enthusiastically.

To this day, many of my friends still chuckle as they remember when, as Lieutenant Governor of California, I would frequently attend

wrestling matches dressed in a suit and tie, in the midst of boisterous spectators surrounding me in blue jeans and T-shirts. Alas, those were the good ole' days!

Mr. Speaker, and distinguished colleagues, Superstar Hulk Hogan, the World Wrestling Federation [WWF] champion, has electrified the world by being the center of an international movement called Hulkamania.

As a devout fan of his, I join with millions of others who echo the sentiment that Hulkamania is running wild. Hulk is everywhere—on life size posters, T-shirts, action dolls, pot holders, baby bibs, VCR's, computer and board games, clothing, glassware and records.

With Hulk at the focal point of promotion, his success generates over $300 million annually in ticket sales advertising, sales, licensing, and merchandising. The Hulkster, of Venice Beach, CA, is the first and only professional wrestler to appear on the cover of Sports Illustrated.

He was the animated star of the CBS Saturday morning show "Hulk Hogan's Rock 'N' Wrestling"; and has been featured on the cover of two albums on the CBS/Epic label. Piledriver and the gold-selling Wrestling Album.

Hogan previously appeared in "Rocky III" and episodes of television's The "A Team", the "Dolly Parton Show" and "Saturday Night Live". Hogan has been the star of all five WrestleManias, WWF's Super Bowl. I dare say these events have revolutionized the pay-per-view cable television industry.

He also headlined NBC's two prime-time "Main Event" programs. The yearly special put the WWF back on prime-time network television and drew over 30 million viewers each time.

As a fan of his for many years, I cherish those moments spent watching Hulk in action as a fine wrestler and charismatic performer. For myself and millions of others, Hulk has offered the bright lights, excitement, and entertainment that no other Broadway performance could ever match.

FLIGHT ATTENDANT SAFETY PROFESSIONALS' DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. FEIGHAN. Mr. Speaker, I would like to take this opportunity to recognize the contribution of our Nation's flight attendants, those safety professionals who stand between us and the disastrous effects of an in-air emergency. Flight attendants have the responsibility to protect us against in flight fires, decompressions, medical emergencies, bomb threats, hijacking attempts and other terrorist acts, during the hundreds of flights that depart from U.S. airports each day.

Flight attendants are far more than public relations officers of the airline they serve. They are essential safety professionals with over 56 hours of safety training before they begin professional flying, updated each year with 12 hours of training. Yet most people who interact with flight attendants neither witness nor consider this role. Most air travelers see flight attendants' warm smiles, assured manner, and efficient and hospitable service. But passengers should also realize that flight attendants can be their link to life. Mr. Speaker, my colleagues and I are some of the Nation's most frequent travelers and we should recognize the service that these dedicated professionals perform for us each time we return to our district.

In 1986 when a hijacked TWA flight was forced to criss-cross the Middle East in search of a place to land, it was a flight attendant, with a gun placed to her temple, who ultimately persuaded the terrorist to release many of the passengers.

In 1988 an Aloha aircraft's roof suddenly tore off and swept one flight attendant to a watery grave and severely injured another flight attendant. It was a surviving flight attendant who, knocked to the cabin floor, not only clung to nearby chair legs to avoid being swept out of the plane, but crawled up the aisle helping stunned passengers locate and attach their life vests. Despite gale force winds, she cleared debris from the aisle, helped injured passengers, and calmed the terrified passengers. When the plane landed, the flight crew led their passengers to safety. For her heroism, this flight attendant, Ms. Michelle Honda, received awards from The Association of Flight Attendants, the Federal Aviation Administration, and the Aero Club International.

Earlier this year in a hauntingly similar incident, nine passengers were swept from a hole ripped in the side of a United airlines flight from Honolulu to Auckland. Despite blackout conditions, no useable oxygen masks, and howling hurricane-like winds, the flight attendants on board, undaunted by injuries, helped passengers with life vests, assisted those injured, and shouted brace position instructions through megaphones. The plane landed without further injury and the flight attendants saw their passengers to safety.

The Federal Aviation Administration promulgated rules in 1952 requiring flight attendants on board domestic flights. This regulation recognizes what we so often overlook: That flight attendants perform services that go far beyond offering us a soft drink and some peanuts, they enhance passenger safety and can save lives.

Tomorrow the Association of Flight Attendants [AFA], the largest flight attendant union in the nation, will be honoring its 25,000 members and all 85,000 flight attendants in this country for their tireless and oft unsung efforts to keep airline passengers free from harm. Congressman OBERSTAR has joined in this endeavor by introducing a joint resolution declaring April 28, 1989 as Flight Attendant Safety Professionals' Day.

I am pleased to consponsor this resolution. I salute the flight attendants of America and trust that they will receive the recognition they deserve.

BOATSWAIN'S MATE SECOND CLASS MICHAEL WILLIAMS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. MAZZOLI. Mr. Speaker, we, as a Nation, mourn the loss of the 47 sailors who perished in an explosion in gun turret two aboard the U.S.S. *Iowa* during training exercises in the Atlantic north of Puerto Rico. We share the pain and anguish their families are experiencing today.

I was saddened to learn of the death in that terrible accident of a fellow Kentuckian, Boatswain's Mate Second Class Michael Williams of South Shore. Michael was a very likable, helpful and friendly young man who graduated from Greenup County High School in 1985. He had been determined to join the Navy after high school and had plans for a 20-year career in the Navy.

There are, and always have been, risks involved with defending and preserving our country. Those risks will remain a part of the everyday life of those who choose to protect our great Nation. Those, such as Boatswain's Mate Michael Williams, who willingly accept these risks in the service of their Nation, deserve our respect and everlasting gratitude.

My condolences and prayers go out to his widow Chris, his father David, his grandmother Dorothy Williams and all of his loved ones.

THE 30TH ANNIVERSARY OF ARCHBISHOP IAKOVOS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to honor His Eminence Archbishop Iakovos who has served over three decades as primate of the Greek Orthodox Church of North and South America.

As spiritual leader of over 2 million Greek Orthodox, and dean of all religious leaders in the United States, his Eminence has worked diligently to bring greater vitality and unity to the church, initiating reforms and advancing frontiers of Eastern Orthodoxy. He has initiated or established Orthodox dialogues with Roman Catholics, Anglicans, Lutherans, Southern Baptists, and Black church leaders. He was the first Greek Orthodox Archbishop in 350 years to visit a Pope when, in 1959, he was received by Pope John XXIII at the Vatican. He currently chairs or works within numerous human rights and religious organizations whose goals are to better the secular and religious lives of all of mankind. In this spirit he also marched beside Dr. Martin Luther King in Selma, AL, on that historic day in 1965, and in this spirit he also lobbied Congress in favor of the Civil Rights Act.

Mr. Speaker, Archbishop Iakovos recently celebrated his 30th anniversary as Archbishop of the Greek Orthodox Church of North and

South America. It is fitting that we honor him on this occasion.

THE WAYPORT CONCEPT

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. ESPY. Mr. Speaker, today I would like to turn our attention to a new, innovative proposal from the Federal Aviation Administration—the wayport concept.

As a way to reduce airline traffic, some FAA officials have proposed building five or six airports in rural areas to serve as transfer points or hubs for passenger flights and air freight operation.

The wayport concept is definitely on the agenda for the future. In my State, government officials and community leaders have proposed that one of the rural airports be constructed on State-owned land at Mississippi State Penitentiary. They have identified Parchman as an ideal spot because of its central location between Dallas and Atlanta and between Jackson and Memphis.

Recently, the wayport concept obtained yet another endorsement from NBC commentator John Chancellor. I would like to enter into the RECORD his comments on the NBC Nightly News on April 11, 1989:

Reporter Mary Alice Williams commented, "You don't have to take a survey to know that airports are crowded and getting more so. In his commentary tonight, John Chancellor discusses a possible solution."

John Chancellor responded, "One million passengers a week pass through O'Hare Airport in Chicago. But you probably knew that, anyway, or sensed it, if you've been at O'Hare recently. There has been a 65 percent increase in air travel in the past 10 years and there'll be a 65 percent increase in the next 10 years. Welcome to a crowded future.

"But it won't have to be that way, if the proponents of the wayport concept are successful. Wayports would be large airports located far from big cities, used only for transferring from one plane to another. As things stand today, more than half the passengers at big city airports are on their way somewhere else. More than half the people at O'Hare aren't going to Chicago.

"So, why not build an airport somewhere in an uncrowded part of Illinois that would be used only for transferring. It could serve passengers bound for Minneapolis or Kansas City or Dallas. A chain of wayports across the country would make life easier for millions of passengers and ease congestion at the big city airports. A wayport would be simple and relatively cheap. Obsolete airport spaces would be even cheaper.

"The airlines might grumble about re-arranging their schedules. But they know the airports they use now won't be able to handle the load in a few years. The system is bursting at the seams right now. Wayports are the solution. It's one of those ideas that restores your faith in human ingenuity.

"Which is commentary for this evening, Mary Alice."

ICC SHOULD REVIEW CREATION OF SHORTLINE RAILROADS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing a bill today that addresses an issue of great concern to farmers, managers of rural grain elevators, and railroad employees in my State of North Dakota. This legislation will provide for the review of sales of railroad lines to make sure the sales are in the public interest.

For the past several years, North Dakotans have been fighting attempts by major railroads to abandon service on branch lines which extend from the main line out into the country to collect grain grown by farmers. Public officials in North Dakota have opposed most of these abandonment requests because we feel the railroads have a commitment, stemming from land grants Congress gave them 100 years ago, to provide service throughout their rail system.

We now face a threat from a different quarter. The major railroads want to sell some of these branch lines because, they claim, they are unprofitable to operate as a class 1 carrier. So they now are proposing to sell the lines to independent companies that could operate the railroad without the current labor contracts to which the class 1 carrier is bound.

I do not want to suggest that all such sales would be contrary to the public interest. Clearly, if a sale to an independent operator is the only alternative to abandonment, we need to approve it. If a line is now only providing a return on operating costs and not enough to perform necessary repairs on the line, clearly everyone would be better off if a new operator could earn enough profit to do the repairs and continue providing service indefinitely.

On the other hand, those of us who are public officials have a responsibility to ensure that the new operators of the line will perform good service and continued service on that line. We also have to be sure that these sales aren't simply devices to get rid of unwanted labor contracts. We have a lot of skilled rail labor working these lines, people who have put in many years of service for the railroad and for local communities. I don't want to see these people displaced by a sale. If we determine that a sale is the only way to prevent eventual abandonment, then we must make sure the current employees have every opportunity to get employment with the new railroad company.

Our problem is that, right now, we have no way of knowing whether a proposed sale would be good or bad for the people affected. If the proposed new operator is not currently operating a railroad, the Interstate Commerce Commission will exempt the proposed sale from normal ICC review procedures. There is no requirement that States be given an opportunity to review or protest these sales before the ICC grants the exemption.

The bill I am introducing today would change this process in several ways. Most importantly, States would be given 60 days to review and consider a protest of any proposed sale involving more than 50 miles of track. If a State protests a sale, the ICC would be required to determine, in an expeditious manner, whether the proposed sale is in the public interest.

In addition, the proposed new operator would be required to provide substantially more information concerning the proposed acquisition of the railroad lines to facilitate review by the State and the ICC. The application would also include the names and job descriptions of any railroad employees whose terms of employment would be substantially affected by the transaction.

A third section of the bill requires that, in order to be approved, an application must provide for the carrier selling the railroad to resume service if, within 2 years, the new carrier ceases to provide service along any such line. This is necessary to protect against abandonments of these lines, because once a line is no longer operated by a class 1 carrier, there is no requirement that abandonments be reviewed. Current law and procedures allow these sales to be a form of back-door abandonment if a class 1 carrier decides to dump some branch lines. I would hope that wouldn't happen, but we need to protect against that possibility. This provision will also give the selling carrier that much more incentive to find a financially viable buyer to operate the lines.

Finally, the legislation, if enacted, would require the Federal Railroad Administration to inspect the trackage prior to allowing the new railroad to operate.

Mr. Speaker, I'd like to ask my colleagues to support the farmers, rural elevators, and railroad workers in North Dakota and other States affected by these sales of railroad branch lines by supporting this legislation.

IN HONOR OF COL. JAMES "NICK" ROWE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. DICKINSON. Mr. Speaker, on April 21, Col. James "Nick" Rowe was shot and killed in an ambush in Quezon, which has been claimed by Communist rebels in the Philippines.

Colonal Rowe was serving as chief of the ground forces division of the joint U.S. military advisory group in Manila, where he was providing training and logistical support for the Philippine military.

The New Peoples Army, a Communist regime of rebels, claimed responsibility for this professional execution, in retaliation for the so-called imperialistic arrogance of the United States in their support of the Aquino administration.

Nick Rowe was a decorated Vietnam war hero who spent 5 years in a prisoner of war camp, before he successfully escaped from his captors moments before he was to be executed. Later, he authorized three books, one of which, "Five Years to Freedom" documents his trials and tribulations as a POW in Vietnam.

Nick was a graduate of the U.S. Military Academy at West Point, successfully completed the airborne and ranger schools at Fort Bragg, and then attended the defense language institute where he studied Chinese Mandarin.

After graduating from the U.S. Army Unconventional Warfare School, he trained as a free-fall parachutist; and in July 1963, he deployed to South Vietnam with the Special Forces A-detachment. He was captured by the Viet Cong in October 1963.

Some of Nick's many awards and decorations included: The Silver Star, the Legion of Merit, the Bronze Star with Oak Leaf Cluster, the Purple Heart with Oak Leaf Cluster, the Meritorious Service Medal, the Vietnam Service Medal with eight campaign stars, and the Combat Infrantryman's Badge.

As a civilian, Nick's achievements included the American Patriot Award, and was twice named by the Jaycees as one of the outstanding young men of America.

After trying his hand at local politics in Texas, Nick was recalled to active duty in 1981 where he created the survival, evasion, resistance, and escape course for personnel serving in duty positions with a high risk of capture.

Fort Bragg's John F. Kennedy Special Warfare Center's school on survival, evasion, resistance, and escape continues today as Nick envisioned, due to his hard work and persistence that made it a reality.

The cowardly slaying of Colonel Rowe is a direct response to the support the United States is providing President Aquino in her fight to combat the Communist insurgency in the Philippines to ensure freedom and democracy.

The United States must do everything it can to bring these terrorists to justice, and to continue to promote freedom and democracy in the Philippines and in the world.

Today, we will honor and pay tribute to Colonel Rowe at his funeral. My prayers and sympathies go out to Nick's family. He was a good man, a hero and a patriot whose life was taken in his tireless pursuit of freedom.

SEAMAN RECRUIT RODNEY WHITE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. MAZZOLI. Mr. Speaker, as a native of Louisville and Jefferson County, KY, who has the honor of representing my hometown in Congress, I was especially saddened to learn of the death aboard the U.S.S. *Iowa* of Seaman Recruit Rodney White, of Louisville, KY.

Seaman White, the son of Mrs. Carnell White, was 1 of 47 sailors to perish in an explosion in the *Iowa*'s gun turret two during training exercises in the Atlantic north off Puerto Rico. Seaman Recruit White had been aboard the *Iowa* for only 2 weeks at the time of his death.

Rodney White, according to family and friends, was a quiet young man who could often be found helping others or playing with neighborhood youngsters. He was a loving son to his mother and a reliable shipmate to his fellow sailors aboard the *Iowa*.

It is a great tragedy when a young man, such as Rodney White dies. But Seaman White and his fallen shipmates died in the defense of their country and to secure democracy and peace throughout the world.

It is our duty to carry on their noble efforts. Let us do so in the name of Rodney White and all those who gave their lives for their Nation aboard the U.S.S. *Iowa*.

My condolences and prayers go out to Mrs. White and to Seaman White's family and loved ones.

JORNAL PORTUGUES CENTENNIAL

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. COELHO. Mr. Speaker, on conclusion of the festivities commemorating its centennial, I would like to draw attention to the outstanding work performed by Jornal Portugues in serving the Portuguese community in California.

Jornal Portugues is the second oldest newspaper in a foreign language circulated in the United States of America. The newspaper links many Portuguese individuals to their English-speaking community by providing news at the international, national and local level, including current events. The value of this service cannot be underestimated and merits our recognition as Members of Congress.

As a Luso-American from California's Central Valley, I am proud of efforts made to preserve the Portuguese culture and its traditions. Jornal Portugues deserves our thanks for nurturing this type of learning and appreciation. I hope that you will all join me in congratulating Jornal Portugues in honor of its centennial, and in wishing the newspaper many years of continued success.

DVA SCIENTIST HONORED WITH ANNUAL MIDDLETON AWARD

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. MONTGOMERY. Mr. Speaker, the Department of Veterans' Affairs [DVA] has awarded its highest scientific honor—the William S. Middleton Award—to Lawrence F. Eng, Ph.D., chief of the chemistry section at the DVA Medical Center in Palo Alto, CA.

The Middleton award is the highest honor given by DVA in recognition of outstanding achievement in biomedical research and is named for William S. Middleton, M.D., who served as DVA's Chief Medical Director from 1955 to 1963.

The award will be presented today in Washington at the annual meeting of the American Federation for Clinical Research.

A neurochemist studying Alzheimer's disease, multiple sclerosis, and spinal cord regeneration, Dr. Eng is best known for his discovery early in his career of a substance called glial fibrillary acidic protein. The application of this protein is now a standard technique used worldwide in the diagnosis of neural tumors.

His study of this protein, its structure, location, and its association with different types of neural tumors, has provided new insights into the biochemistry of nerve regeneration, which is important to those suffering from spinal cord or other nerve trauma caused by aging, injury, or disease.

Dr. Eng began his DVA career in 1961 at the Palo Alto DVA hospital. His early research focused on myelin lipids, and he was the first to isolate the three protein components of myelin.

Dr. Eng also is a professor of pathology at the Stanford University School of Medicine, where he earned his Ph.D. in chemistry. A member of numerous medical societies, he currently is secretary of the American Society for Neurochemistry.

Recently, Dr. Eng was honored with the Javits Neuroscience Investigator Award for his distinguished record of accomplishment in neurological sciences.

Mr. Speaker, I know my colleagues will want to join with me in congratulating Dr. Eng as he receives the prestigious Middleton award for his research achievements.

METROPOLITAN BAPTIST CHURCH: 125 YEARS OF GIVING TO THE COMMUNITY

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. GRAY. Mr. Speaker, I rise today to commemorate a very special and joyful occasion. This year marks the 125th anniversary of the founding of the Metropolitan Baptist Church here in Washington, DC. I am very pleased to recognize their jubilee celebration, "Claiming the Promise, Proclaiming the Power."

Before the American Civil War had drawn to a close, Metropolitan Baptist Church had begun to pave the long road of social contribution that stands as a hallmark of the congregation. In a Civil War barracks in a section of Washington known as Hell's Bottom, seven people joined together in 1964 to create what then became the Fourth Baptist Church of Washington. Metropolitan Baptist, the name the church adopted after 1888, has grown many times over and can now boast of more than 4,000 parishioners.

In the century and a quarter that Metropolitan has existed, there have been only five head ministers. Under their respective ministries, both the religious and community activities of the church have expanded to include a diverse range of services. In particular, Metropolitian Baptist Church should be commended for the extensive work they do with the young people of the community. Not only do they provide Bible study and tutoring assistance for those who need help in school, but Metropoli-

tan also has a youth center which gives our children a healthy, safe place to call their own after school. In addition, the church has entered into a partnership with a local elementary school to help improve the grounds, furnish vehicles for outings, as well as continue tutoring.

Of course, like adults, young people are touched by all the social conditions around them. That is why some of Metropolitan's other efforts are important for young and old alike. Ever since the hard times of the Depression, Metropolitan Baptist Church has had a special social department. They have traditionally come to the aid of the hungry and unemployed. Today, their achievements in distributing groceries to needy families and community outreach work help to ease the burden of the less fortunate. Their drug rehabilitation facilities are another positive force in Metropolitan's impact on our Nation's Capital. At the same time, the church has developed a leadership training program to help build a strong, productive community.

Mr. Speaker, I believe the future looks bright for Metropolitan Baptist Church. The low income housing corporation they have organized should soon have units available, including housing for senior citizens. Metropolitan remains ambitious, planning programs for gifted students, drug prevention education, and addressing the devastating problem of the homeless. I am sure that you will join me, Mr. Speaker, in lauding the 125 years of spiritual, social, and community support that Metropolitan Baptist Church has given to the District of Columbia. I hope it is only the beginning.

CATALYST HONORS CORPORATE INITIATIVES TO DEVELOP WOMEN LEADERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Ms. KAPTUR. Mr. Speaker, in New York City recently, three corporations—IBM, US West Inc., and Fannie Mae—were awarded the 1988 Catalyst Award for their corporate initiatives to promote women's leadership.

Founded 27 years ago as women were beginning to enter the ranks of corporate management, Catalyst is the national research and advisory organization that works with corporations to foster the career and leadership development of women. With the support of 300 corporate contributors, Catalyst works with CEO's to maximize women's contribution as a critical business resource through research and one-on-one advisory services for the business community. The annual awards dinner is an opportunity to honor creative initiatives taken by leading companies to recruit, retain or develop women.

I am particularly proud of the recognition of Fannie Mae's efforts. Originally chartered by the U.S. Government to provide liquidity to the Nation's residential mortgage markets, Fannie Mae was transformed in 1969 into a publicly-traded, shareholder-owned corporation. Today, as the largest investor in American home mortgages, Fannie Mae is truly the Nation's housing partner. It is also America's third largest corporation in terms of assets.

The secret of Fannie Mae's success lies in the conviction that competency is not gender based. In the early 1980's newly appointed chairman of the board and chief executive officer David O. Maxwell bucked the financial industry's traditional hiring practices by recruiting a management team comprised of both women and men. Fannie Mae's work force today reflects the success of the company's determination to bolster the number of women at the highest levels: in 1981, 4 percent of senior managers were women; in 1988, 26 percent of senior managers were women.

Over the last 2 years, Fannie Mae has supplemented recruitment of high-potential women with human resources strategies to cultivate and retain its own in-house talent. To continue to increase the number of women in mid- and senior-level positions, CEO Maxwell has worked aggressively with top management to identify and promote the company's most promising women. Mr. Maxwell has said that "the day we're working toward is the day management is blindfolded, like Justice, to all forms of discrimination, to the day when women are recognized as leaders without regard to their gender."

I would like to include in the RECORD at this time the Catalyst press release announcing the awards:

CATALYST HONORS CORPORATE INITIATIVES TO DEVELOP WOMEN LEADERS

Three companies that have taken the lead in developing innovative and cost-effective corporate programs to recruit, develop and retain management women were honored tonight at the Waldorf-Astoria in New York City.

Catalyst's Fourteenth Annual Corporate Leadership Awards showcased the following pioneering efforts:

Fannie Mae's Business Strategy for Women's Upward Mobility. In the early 1980's, by recruiting a management team of both women and men, Fannie Mae departed from the traditional hiring patterns of the financial industry. Fannie Mae's work force today reflects their efforts to design management career paths for women. In 1981, 4 percent of senior managers were women; in 1988, 26 percent of senior managers were women. David O. Maxwell, Chairman of CEO, accepted the award.

IBM's Elder Care Referral Service. The program, available to IBM's U.S. employees, retirees and their spouses, is the first corporate nationwide resource and referral service. IBM was influenced by data suggesting that women, traditionally known as the family's primary caregivers, would constitute the group of employees most affected by elder care responsibilities. Frank Cary, former Chairman, President and CEO, accepted the award.

US WEST, Inc.'s Women of Color Project. This effort by US WEST seeks to identify high-potential women of color and prepare them for leadership positions. The program is designed to cultivate a pluralistic work force. The nearly 6,000 women of color throughout US WEST are eligible for the program. Jack A. MacAllister, Chairman and CEO, accepted the award.

Catalyst selected the winning initiatives from a pool of nominations submitted by the Fortune 500. Among other criteria, each initiative was evaluated on the basis of its measurable outcomes, its replicability in other corporate settings, and the degree to which senior management demonstrates its commitment to the program.

With the increase of women at all levels of management, Catalyst's Corporate Leadership Awards address an increasingly critical business issue. Changing demographics indicate that by the year 2000 women will comprise 60% of the work force. This shift in numbers indicates employers can no longer recruit from a talent pool comprised exclusively of men. Companies that want to remain competitive recognize that their investment in the training and development of women will be increasingly profitable.

According to Dinner Chairman John H. Bryan, Jr., Chairman and CEO of Sara Lee Corporation, "The practical example of the Corporate Leadership Award recipients demonstrates how corporations can capitalize on the investment they make in women of high potential."

Noting the challenge of today's competitive business climate, Felice N. Schwartz, President and Founder of Catalyst, said, "When initiatives such as these are replicated by companies across the country, women will be free to achieve at levels commensurate with their abilities. The commitment to pursue these initiatives will stem from a business motivation, and the benefits for companies that do so will be tangible: access to the best talent available, regardless of gender."

When Catalyst was founded 27 years ago, women were just beginning to enter the ranks of management. Today, Catalyst works with CEOs to maximize women's contribution as a critical business resource. With the support of 300 corporate contributors, Catalyst conducts groundbreaking research and provides one-on-one advisory services for the business community.

FANNIE MAE—BUSINESS STRATEGY FOR WOMEN'S UPWARD MOBILITY

The secret of Fannie Mae's success lies in the conviction that competency is not gender based. In the early 1980s, newly appointed Chairman of the Board and Chief Executive Officer David O. Maxwell bucked the financial industry's traditional hiring practices by recruiting a management team comprised of both women and men. Fannie Mae's work force today reflects the success of the company's determination to bolster the number of women at the highest levels: in 1981, 1.2 percent of senior managers were women; in 1988, 25 percent of senior managers were women.

Over the last two years, Fannie Mae has supplemented recruitment of high-potential women with human resources strategies to cultivate and retain its own in-house talent. To continue to increase the number of women in mid- and senior-level positions, CEO Maxwell works aggressively with top management to identify and promote the company's most promising women. Together, they have designed career paths and succession planning schemes for individuals and sponsored their participation in business programs at Harvard, MIT and Simmons College. Future programs will focus on professional development.

Senior managers demonstrate their commitment to the CEO's objectives by supporting Fannie Mae's Equal Employment Opportunity efforts, under which they are held accountable for promoting women into management positions. Their progress is monitored throughout the year by Human

Resources representatives and reported to the President, CEO and senior executives.

TRIBUTE TO GALEN MARTIN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to Galen Martin, who is retiring after more than 30 years of leadership in the fight for human and civil rights for Kentuckians.

Galen Martin became executive director of the Kentucky Council on Human Relations in 1956. And, he assumed a similar position when the Kentucky Commission on Human Rights was established in 1961. Galen's entire professional life has been devoted to the cause of civil rights.

One need only reflect on the events of those years since the time Galen Martin began his career for civil rights. They have been turbulent years, marked by some of the most violent civil unrest in our cities' histories. And, yet over that period because of people like Galen Martin, the United States has experienced solid advances in civil and human rights.

Galen Martin's contributions to the Commonwealth are many these past three decades and they and he will be missed. I salute him and wish him and his family the very best in the years head.

A MILESTONE FOR MILESTONES

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. BORSKI. Mr. Speaker, I rise to honor and commemorate the first anniversary of Philadelphia's senior citizen monthly newspaper, Milestones. Milestones is the first monthly newspaper in this area to specifically report local and national news pertaining to senior citizens, and it fills an important gap in that community.

As you are no doubt aware, Mr. Speaker, in a city the size of Philadelphia, there are many events of interest to seniors. Milestones is not only a source of news, it also acts as a community calendar for Philadelphia's elderly, alerting them to events which might interest or aid them.

Milestones also monitors the activities of city, State, and Federal Governments regarding the elderly, and features frequent stories, news, and commentary about new bills and proposals at all levels of government.

A number of talented individuals are involved in producing Milestones, Mr. Speaker, but the three men at the heart of this publication especially deserve our mention, praise, and commendation. Bob Epp, Arthur Ocinski, and Bill Miller are all veterans of the Philadelphia newspaper scene, and have put their expertise into use in producing a newspaper for their fellow senior citizens.

Mr. Speaker, it is my privilege to represent in Congress a large number of men and women who are growing older and Milestones contributes to the senior community in Philadelphia with the kind of coverage of elderly issues that makes them wiser as well. That is why they deserve our commendation. I ask that you and every member join me in wishing happy first birthday to Milestones, along with our best wishes for many milestones to come.

THE 50TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS POST 3538

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. TRAFICANT. Mr. Speaker, on May 6, 1989, the Veterans of Foreign Wars Col. Louis J. Campbell Post 3538, in my 17th district of Ohio, will be celebrating their 50th anniversary. I stand today to ask my colleagues to join me in saluting these patriotic veterans who have so valiantly defended our country and have struggled so tirelessly to keep the democratic foundations of this great Nation intact.

In 1938, a small group of World War I veterans who had served overseas during the war, began meeting in their homes around Struthers. On April 18, 1939, 10 of these veterans were instituted into the Veterans of Foreign Wars and the Col. Louis J. Campbell Post 3538 was formed.

From its very inception, the post has emphasized service to the veterans and to the community. Boy Scout Troop 16 started holding meetings at the post in 1940. In 1941, the post authorized a group of women to form the ladies auxiliary. During World War II, the post participated in bond drives, scrap drives, and blood donor activities.

In 1945, the post reached a membership of 100 and bought the property where the post now stands. Also, the post selected as commander, James Pryor, who was the first World War II veteran to be elected post commander in the department of Ohio.

Today, the post continues to be greatly involved in the community. They are active in the Struthers Clubs Association, the United Veterans Council, and all Veterans of Foreign Wars activities. For the past 7 years, they have sponsored a girls baseball team in Struthers. The post has also sponsored a young boy or girl in the Sea Cadet Program. In addition, monthly trips are made to Butler VA Hospital, and some of the post members are involved in entertaining the patients with stage shows.

Mr. Speaker, what started out as a few veterans meetings in each other, homes has expanded into a great organization. At the close of the 1989 membership program, Post 3538 had 81 life members, and a grand total of 630 members. This organization has given so much to our community, State, and our Nation. And, I stand today to thank the Veterans of Foreign Wars Col. Louis J. Campbell Post 3538, as well as to congratulate them on their upcoming 50th anniversary.

THE BIPARTISAN NICARAGUA POLICY

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. SYNAR. Mr. Speaker, on April 13, I voted for H.R. 1750, the Bipartisan Accord on Central America, which provides $67 million in nonlethal aid to the Nicaraguan Contras. I supported the bill because I feel that it is important to send a unified message to Nicaragua and the other Central American nations that the United States supports democracy and peace in the region and will no longer send military aid to prolong the Contra war. However, I had reservations about voting for the bill which I believe needed to be explained.

I was, and still am, uncomfortable with the price tag of sending this bipartisan message to Central America. I believe that there are a number of domestic needs including education, housing, and the homeless, fighting the war on drugs, and health care on which the money could be better spent. It's clear to me that the Reagan policy toward Nicaragua has failed. The aid package we passed 2 weeks ago is a very expensive burial, indeed.

I am also concerned about the precedent-setting nature of this legislation. In the future, we Democrats need to be careful that we do not sacrifice our values for the sake of coming to an agreement heralded as bipartisan. Both liberal Democrats and conservative Republicans opposed H.R. 1750 for completely different reasons. The confusing interpretations of the bill make me wonder whether our bipartisanship is focused more on peace between the White House and Congress than on a policy toward Nicaragua. I hope that we in Congress will continue to work with the administration in the future, but feel strongly that we Democrats must also continue to assert a leadership role if we are to maintain our identity.

THE 30TH ANNIVERSARY OF THE GODDARD SPACE FLIGHT CENTER—NASA

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise to commemorate the myriad of contributions of the Goddard Space Flight Center on the occasion of their 30th anniversary. Located in Greenbelt, MD, in lovely Prince Georges County, MD, this expansive research complex has been the primary force behind many of the National Aeronautics and Space Administration's [NASA] space science advances. Goddard professionals and technicians have perfected a number of spacecraft communications systems since the Center's inception in 1959—these have proven to be instrumental to the success of our manned space flight program. The same dedication has gone into

refining advanced onboard spacecraft instruments for NASA missions. Today, Goddard is moving ahead briskly on a fascinating array of new space science initiatives, including the Hubble space telescope, the cosmic background explorer, the gamma ray observatory, and the upper atmospheric research satellite.

We in the Maryland congressional delegation join the civil servants and professionals at the Goddard Space Flight Center in celebrating 30 years of service and dedication to our Nation's space program. We look forward to many years of further contributions from Goddard to the ever-expanding body of knowledge concerning space science and applications.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 2, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense.
SH-216

9:30 a.m.
Rules and Administration
To hold hearings on proposed legislation relating to voter registration procedures for Federal elections, S. 136, to establish a single poll closing time in the continental United States for Presidential general elections, and S. 377, to establish a series of five Presidential primaries.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the National Aeronautics and Space Administration.
SD-138

Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 657, to establish a national program to reduce the health threat of exposure to contaminants in the air indoors.
SD-406

Finance
To resume oversight hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988.
SD-215

Foreign Relations
To resume hearings on the future of U.S.-Soviet relations.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Army Corps of Engineers.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on risk retention.
SR-253

2:30 p.m.
Foreign Relations
To hold hearings on the nomination of Herman Jay Cohen, of New York, to be an Assistant Secretary of State for African Affairs.
SD-419

Labor and Human Resources
To hold hearings to examine American competitiveness in the science and technology fields.
SD-430

3:00 p.m.
Armed Services
To hold hearings on the nomination of H. Lawrence Garrett III, of Virginia, to be Secretary of the Navy.
SR-232A

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to review a 5-year defense plan.
SR-253

Energy and Natural Resources
To hold hearings on S. 694, to extend the authority for the Strategic Petroleum Reserve.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the Rancho Seco Nuclear Generating Station and secret monetary payments to nuclear workers to restrict testimony to the Nuclear Regulatory Commission regarding the Comanche Peak nuclear power plant.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine the issue of how to combat illiteracy in America.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for defense programs.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Aviation Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Office of Management and Budget.
SD-124

Finance
To hold hearings to examine the financial condition of rural hospitals and their ability to deliver health care to Medicare recipients.
SD-215

Foreign Relations
To hold hearings on S. 809, authorizing funds for fiscal years 1990 and 1991 for the United States Information Agency.
SD-419

Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold oversight hearings to review infrastructure problems.
SD-342

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on international organizations.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Bureau of Reclamation, Department of the Interior.
SD-192

Armed Services
Conventional Forces and Alliance Defense Subcommittee
To hold hearings to review implementation of the Army's armor and antiarmor programs.
SR-222

Finance
To hear and consider the nominations of Eric I. Garfinkel, of Maryland, to be an Assistant Secretary of Commerce, Rufus H. Yerxa, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador, Robert R. Glauber, of Massachussetts, to be an Under Secretary of the Treasury, David C. Mulford, of Illinois, to be an Under Secretary of the Treasury, and John E. Robson, of Georgia, to be Deputy Secretary of the Treasury; and to consider the nominations of Constance Horner, of the District of Columbia, to be Under Secretary of Health and Human Services, and Mary Shila Gall, of Virginia, to be Assistant Secretary of Health and Human Services for Human Development Services.
SD-215

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to explore the problem of industrialized countries manipulating the value of their currencies to maintain a trade surplus, and to discuss the U.S. response to this practice.
SD-215

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

Foreign Relations
To hold hearings on the nominations of Ronald Frank Lehman II, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency and Richard Reeves Burt, of Arizona, for the rank of Ambassador during his tenure of service as Head of Delegation on Nuclear and Space Talks and Chief Negotiator on Strategic Nuclear Arms.
SD-419

Select on Indian Affairs
To hold hearings on S. 611, to establish administrative procedures to determine the status of certain Indian groups.
SD-485

Joint Economic
To hold hearings on the employment-unemployment situation for April.
2359 Rayburn Building

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Library of Congress, Government Printing Office, and the Copyright Royalty Tribunal.
SD-116

Governmental Affairs
Government Information and Regulation Subcommittee
To hold oversight hearings on issues relevant to the 1990 Census.
SD-342

Judiciary
Constitution Subcommittee
To hold hearings on S. 386, to control the sale and importation of assault weapons, and S. 747, to protect the rights of legal owners while attacking the problems associated with the illegal use of assault weapons.
SD-226

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on possible climate surprises—predicting greenhouse warming.
SD-253

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 783, S. 625 and H.R. 1722, bills to eliminate wellhead price and nonprice controls on the first sale of natural gas and make certain technical and conforming amendments to the Natural Gas Policy Act of 1978.
SD-366

Governmental Affairs
To hold hearings on the nomination of William M. Diefenderfer III, of Virginia, to be Deputy Director, Office of Management and Budget.
SD-342

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the readiness and sustainability posture of selected unified combatant commands.
SR-222

MAY 9

9:00 a.m.
Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings on Federal and State solutions to crime and drug abuse.
SD-342

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agriculture Credit Subcommittee
To resume oversight hearings on the Farmers Home Administration implementation of the Agriculture Credit Act of 1987 (P.L. 100-233), as it relates to borrowers.
SR-332

Commerce, Science, and Transportation
To hold hearings on industry and Government cooperation to promote the commercialization of new technologies.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To resume closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
S-407, Capitol

Finance
To hold hearings on the impact of section 89, of the Tax Reform Act of 1986, nondiscrimination rules applicable to employer-provided fringe benefits.
SD-215

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on international narcotics control.
SD-192

Finance
Business meeting, to hear and consider the nominations of Charles H. Dallara, of South Carolina, to be Deputy Under Secretary for International Affairs; Hollis S. McLoughlin, of New Jersey, to be Assistant Secretary for Policy Development; Roger Bolton, of Virginia, to be Assistant Secretary for Public Affairs and Public Liaison; and Kay C. James, of Virginia, to be Assistant Secretary for Public Affairs of the Department of Health and Human Services.
SD-215

MAY 10

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Appropriations' Subcommittee on Foreign Operations on global environment issues.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry on global environment issues.
SD-192

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on operational requirements of the Strategic Air Command, and proposed budget request for fiscal years 1990 and 1991 for strategic forces.
SR-222

Finance
To hold hearings on the European Community's (EC) program to complete its internal market by 1992.
SD-215

2:00 p.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on the foreign policy context of defense.
SD-138

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to review a 5-year defense plan.
SR-222

MAY 11

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development and Rural Electrification Subcommittee
To hold hearings on rural development.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on space transportation.
SR-253

Governmental Affairs
To resume hearings on export controls over chemical biological materials.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on the Strategic Defense Initiative (SDI).
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.
SD-138

1:30 p.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on recommendations for an acquisition policy agenda.
SR-222

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 83, to establish the amount of costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers.
SD-366

2:30 p.m.
Select on Indian Affairs
To hold hearings on S. 321, to revise provisions of law that provide a preference to Indians.
SR-485

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.
SD-192

Foreign Relations
To hold hearings on the nominations of Donald Phinney Gregg, of Maryland, to be Ambassador to the Republic of Korea and John Cameron Monjo, of Maryland, to be Ambassador to the Republic of Indonesia.
SD-419

Rules and Administration
To hold joint hearings with the Select Committee on Indian Affairs on legislation to establish a National Museum of the American Indian within the Smithsonian Institution.
SR-301

Select on Indian Affairs
To hold joint hearings with the Committee on Rules and Administration on legislation to establish a National Museum of the American Indian within the Smithsonian Institution.
SR-301

MAY 15

9:30 a.m.
Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to review procedures relating to the use of chemicals in food crops.
SD-406

Governmental Affairs
Government Information and Regulation Subcommittee
To hold oversight hearings on federal information policy.
SD-342

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings to review proposed regulations to implement the Family Support Act of 1988.
SD-215

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on aircraft carrier force structure management.
SR-232A

MAY 16

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development and Rural Electrification Subcommittee
To resume hearings on rural development.
SR-332

Select on Indian Affairs
Business meeting, to mark up S. 321, to revise provisions of law that provide a preference to Indians, S. 402, to provide for the settlement of land claims of Puyallup Tribe of Indians in the State of Washington, S. 611, to establish administrative procedures to determine the status of certain Indian groups, and proposed legislation to establish an Indian museum in the District of Columbia.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Office of the Inspector General, Office of Disaster Assistance, and American Schools and Hospitals Abroad.
SD-138

MAY 17

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on marine fisheries management.
SR-253

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on space commercialization.
SH-216

Governmental Affairs
To hold hearings on biological weapons proliferation.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on trading practices in the commodity futures markets.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Communications Commission.
SR-232A

1:00 p.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Army posture.
SD-192

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for defense programs of the Department of Energy.
SR-222

MAY 18

8:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 165, S. 573, S. 574, S. 748, bills to strengthen and improve Veterans' health care programs.
SR-418

9:00 a.m.
Commerce, Science, and Transportation
To continue oversight hearings in conjunction with the National Ocean Policy Study on marine fisheries management.
SR-253

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To continue open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on space programs.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

Governmental Affairs
To hold hearings on nuclear and missile proliferation.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Peace Corps, African Development Foundation, Inter-American Foundation, Overseas Private Investment Corporation, and Export-Import Bank.
SD-138

MAY 19

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on the U.S. Civil Rights Commission's effects on the White Mountain Apache Tribe.
SR-485

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

MAY 31

2:00 p.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on seapower.
SD-192

JUNE 1

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Navy posture.
SD-192

1:30 p.m.
Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

JUNE 2

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

2:00 p.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

JUNE 6

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan and Afghanistan.
SD-138

JUNE 7

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.
SD-192

JUNE 8

8:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 263, S. 564, bills to provide for Veterans' health care benefits and other related measures.
SR-418

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

JUNE 14

9:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

JUNE 15

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

JUNE 16

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 22

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 404, to extend certain Department of Veterans Affairs home loan guaranty provisions, and related measures.
SR-418

JULY 20

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

POSTPONEMENTS

MAY 2

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings in open and closed session on proposed budget estimates for fiscal year 1990 for defense programs, focusing on Strategic Defense Initiatives.
SD-192