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PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

SENATE—*Friday, July 14, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer this morning will be offered by our guest, Rabbi Moshe Feller, who presides at Lubavitch House, St. Paul, MN.

PRAYER

Rabbi Moshe Feller of Lubavitch House offered the following prayer:

Let us pray:

Al-mighty G-d, Master of the Universe, we stand before You, in prayer, in this month of July when our Nation celebrates its establishment as an independent nation rooted in the belief in You, O Heavenly Father, as the Sovereign Ruler of men and nations.

Grant, Al-mighty G-d, that this Nation and its leaders be as cognizant of Your presence in their lives as were the founders of this Nation. Being G-d fearing individuals mindful of man's idolatrous tendency to worship material gain, they imprinted on this Nation's very currency "In G-d We Trust." Mindful of the tendency of men of power to look upon themselves as sovereign rulers, they established the practice of humbling themselves before You, O Sovereign Ruler of men and nations, asking for Your guidance and assistance prior to their deliberations in the very portals of their power. Grant the leaders of this country Your assistance and guidance and bless them with good health and good cheer so that they may fulfill their vital tasks with joy and gladness of heart.

Al-mighty G-d, bless this Nation and its leaders in the merit of one of the spiritual giants of our time who found refuge in this country a half a century ago, and whose birthday is tomorrow.

Your servant, Rabbi Yosef Yitzckok Schneersohn, of blessed memory, the world renowed Lubavitcher rebbe, fled war-torn Europe for these shores of freedom in 1940, spending the final decade of his earthly existence as a distinguished citizen of these United States of America, laboring with great self-sacrifice to sanctify Your holy name throughout the world.

May his memory be for a blessing and his merit for a shield to the United States of America and its Government which provided him sanctuary and freedom to do Your sacred bidding. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

THE VISITING CHAPLAIN

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, I would like to comment on the opening prayer that was presented here in the Senate this morning by Rabbi Moshe Feller of Minneapolis. He is a Lubavitcher rabbi in Minnesota.

Mr. President, Rabbi Feller spoke about the former Lubavitcher rebbe who fled from Europe in 1940, much as my family did 7 years before that. Actually, we left Europe, and arrived in the United States in 1935. And he spoke about the rebbe, how he arrived here, spent the last 10 years of his life in the United States, and what it meant to him and meant to his followers, just as it has meant so much in my family and all the others who arrived in the late thirties under great stress.

So I look at the prayer that Rabbi Feller gave, and I praise him for it. It comes at a particularly appropriate time as we were yesterday considering the immigration bill, and with that immigration bill our shores will open wider to people who are seeking freedom.

That really is a great purpose that we serve here in the Senate, to make the freedoms that we enjoy available to others just as they were available to Rabbi Schneersohn some years ago when he arrived in this country in order to serve his people.

So once again, I praise my good friend, Rabbi Moshe Feller. I welcome him here to the Senate. I welcome him here as the Chaplain of the Senate for this day, and I was moved by the prayer that he gave.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders there will be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein for up to 5 minutes each.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

At 9:45, the Senate will begin consideration of S. 1160, the State Department authorization bill. Rollcall votes are possible today in relation to that bill. Adhering to the schedule I have announced previously, any votes will occur prior to 3 p.m. There will be no votes today after 3 p.m.

RURAL PARTNERSHIPS ACT OF 1989

Mr. MITCHELL. Mr. President, in the near future, it is my intention to take up S. 1036, the Rural Partnerships Act of 1989.

Why is rural development needed?

Because the current economic picture for many of the 61 million men, women, and children living in 14,000 small towns and communities in rural America is bleak. Rural areas are dependent on resource-based economies, agriculture, forestry, and mining, which are vulnerable to swings in the global economy and more unstable and seasonal in nature.

America cannot move forward leaving rural areas of the country behind. The need for action is clear:

Poverty rates in rural America are one-third higher than in urban areas.

Unemployment rates in rural areas were 28 percent higher in 1988 than rates in urban areas.

Per capita income in rural America in 1986 was $7,500—in 1979 dollars—compared to $10,360 in urban areas. Per capita income growth from 1979-86 was 1.9 percent in rural areas and 8.5 percent in urban areas.

With fewer jobs—and jobs that pay less than urban jobs—many people are leaving rural America. Recent data indicate 400,000 people per year leaving rural America.

Half of the hospitals that closed last year were rural. Many more rural hospitals could close in the future.

Most ominously, young, well educated adults are leaving rural America. Only 14 percent of rural Americans have college degrees compared to 25 percent in urban areas.

That has been too often the case in my home State of Maine. For may years, Maine's most valuable export was its young people, who feel they must leave rural areas to find meaningful employment.

Unfortunately, this phenomenom is not limited to Maine. It is more often than not the rule across this country. It is important that we make it possible for young people to stay in rural areas without sacrificing their career opportunities.

This legislation, a bipartisan product put together under the leadership of Senator LEAHY and Senator LUGAR, will begin to bring investment and economic opportunity to rural America.

The bill invests in economic growth by helping States and local economic development agencies provide new and struggling businesses with needed capital to create jobs and economic opportunity.

The cornerstone is a 5-year $300 million line of credit for local revolving funds which will then make loans to area businesses. To get Federal dollars, States and local agencies will have to match them dollar for dollar. Loans from the State or local agency will have the same match requirement. This will be a locally driven partnership program.

S. 1036 also provides $50 million over 5 years for business incubators—facilities that house and aid startup businesses by helping them lower startup costs by sharing resources.

The bill invests in safe drinking water and waste disposal for hundreds of rural communities.

It would make available $315 million over the next 5 years for loans to rural cities and counties to meet Federal safe drinking water and pollution standards. These funds would be allocated through the Secretary of Agriculture.

The bill invests in human resources by helping rural schools, hospitals, and small businesses gain access to the state-of-art telecommunications that they must have if they are going to attain equal footing with their urban counterparts.

For example, it would make available $100 million over 5 years through the Rural Electrification Administration [REA] for "star schools"—schools linked through telecommunications networks. Rural students could take special courses in math, science, and languages in classes being given hundreds of miles away.

It would also make available $90 million over 5 years through REA to link rural hospitals with modern medical centers. Through communications, rural and teaching hospitals can share medical data and patient information.

I know that Senator LEAHY is looking forward to bringing S. 1036 to the floor for a full debate. And other Senate committees are considering legislation aimed at rural America. Those will be forthcoming in the weeks to come.

The need is there. In S. 1036, the Senate has an opportunity to respond in a positive and cost-effective way. I am hopeful our work on rural development legislation will demonstrate our commitment to the millions of Americans who choose to live outside of urban America, but who have not given up on the American dream.

Mr. President, I reserve the remainder of my leader time. I also reserve the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. I thank the Chair.

RURAL PARTNERSHIPS ACT OF 1989

Mr. LEAHY. Mr. President, I applaud the words of the distinguished majority leader. He, like myself, is a product of rural America. He understands in his own beautiful State, the largest State in land area in New England and certainly one of the most beautiful States in this country, the need for this legislation.

Mr. President, I was born and raised in Vermont, one of the most rural States in the country, and I know firsthand the quality of rural living. It is a lifestyle of self-sufficiency, neighborliness, and friendliness that is often difficult to find anywhere else.

As chairman of the Agriculture Committee, I have traveled across the country and talked to people who live in rural America. What I have seen concerns me greatly.

I have seen a rural America that is too often in trouble.

I have seen a rural America abandoned by too many of its brightest young people because of a lack of jobs.

I have seen a rural America with too many main street storefronts emptied by economic conditions.

For this reason, I introduced the Rural Partnerships Act of 1989. This legislation was reported out of the Senate Agriculture Committee by an unanimous vote with a strong bipartisan support and it will soon be considered in this Chamber.

In considering this legislation, the committee took three basic steps in developing a new agenda for rural America.

First, we are investing in economic growth by creating new businesses and jobs.

The current economic picture in rural America is bleak. In 1988, rural unemployment rates were 28 percent higher than rates in urban areas. Poverty rates in rural America are a third higher than in nonrural areas.

While agriculture is very important, we often forget that rural America is less and less dependent on agriculture—only 10 percent of rural Americans live and work on farms.

That is why we must not only look at agriculture—we must look beyond and provide new and struggling businesses with the needed capital to create jobs, opportunity and economic growth.

This bill contains $300 million over 5 years for local revolving funds to make

loans to stimulate local businesses. Loans must be matched dollar for dollar by local banks. This partnership program is not government driven; it's locally driven.

This bill also contains $50 million over 5 years for business incubators—facilities that house and aid startup businesses. Incubators lower startup costs through shared resource and flexible leases.

Second, we are investing in human resources by improving schools and health care.

Students in rural America want to learn, but too often they do not have the same educational resources that students in the big cities have.

This bill invests $110 million over 5 years through REA for star schools. That means the student attending a school in a very small school district in northern Vermont has the chance to use telecommunications to take a math, science or foreign language course not offered at his or her school.

Health care is also a problem in rural America. In 1988, more than half of hospital closures were in rural areas.

Since 1980, 190 rural community hospitals have closed and another 600 are in danger of closing. This means that rural residents often must travel hundreds of miles for specialized health care.

This bill contains $90 million over 5 years through REA to link rural hospitals in Vermont and other States to modern medical centers.

This means that a physician in a small town, wanting a second opinion when treating a patient with a heart attack, could send the patient's EKG by satellite and consult with doctors in a major medical center. This means state-of-the-art health care in rural communities.

Third, we are investing in quality of life by helping rural communities provide safe drinking water and waste disposal.

A 1986 EPA survey found that 70 percent of our Nation's substandard wastewater facilities were in rural areas. In 1984, EPA found that two-thirds of rural water supplies violated Federal drinking water standards.

This bill contains $315 million over the next 5 years for loans and grants to rural communities to meet Federal clean water standards. Funds are allocated through the Farmers Home Administration.

I am pleased to report that the people living in rural America are not a despondent and depressed group; they are hopeful and optimistic. They are a tough breed, with a strong work ethic and the determination to succeed.

They understand the need to help rural America. They understand that they cannot pit the interests of farmers against the 90 percent of rural America that does not farm. They understand that we must work together to provide rural America with the appropriate relief it needs.

What we must do here—and what this bill begins to accomplish—is give rural America the tools it needs to build for the future.

Mr. President, I yield my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SCIENTIFIC BREAKTHROUGH AT THE UNIVERSITY OF SOUTH ALABAMA

Mr. HEFLIN. Mr. President, I rise today to call to the attention of my colleagues a chemical breakthrough with positive health and environmental ramifications presently being developed at the University of South Alabama in Mobile. As we are all aware, the news has been replete with stories detailing the insidious nature of harmful chemicals on personal health and the environment. Therefore, it is with great pride that I report on an organic mineralization inhibitor, developed and patented by the University of South Alabama, which advances science while at the same time causes no deleterious effects on health or the environment.

Mineral deposits occur naturally in a host of environments—from the calcium phosphate in bones and teeth to the shells and reefs made of calcium carbonate by marine organisms. Unfortunately, although naturally occurring, mineral deposits frequently develop where they are not wanted. In the body, minerals may grow and contribute to dental plaque, hardening of the arteries, various organ stones, or the failure of prosthetic devices like implanted heart valves. In the marine environment, barnacles on the hulls of ships add extra bulk, create drag, and require periodic removal. Industry too suffers from mineral scales forming on the surfaces of cooling towers and other devices, thus preventing their proper operation. Because of these and other problems, much research time and effort have been devoted to finding mineralization inhibitors.

Many of the compounds presently employed to fight the buildup of mineral deposits expose living organisms and the environment to potentially harmful substances. For example, in years past, to prevent barnacle growth, special hull paints were used which, while concededly accomplishing the task of eliminating the barnacle problem, also exposed the surrounding environs to a highly toxic level of lead. However, the substances developed by the scientists at the University of South Alabama—the mineralization inhibitors—are completely biodegradable and nontoxic biopolymers, and thus safely inhibit the growth of these and other mineral deposits.

Consider the direct health benefits which may be recognized by the successful development and marketing of biomineralization regulators. Compounds preventing the calcification of implanted heart valves, together with agents leading to the dissolution of organ stones, represent only two of the varied uses of mineral inhibitors, even at this early stage of development. Plaque buildup, which leads to tooth decay, could potentially be a thing of the past should this technology prove to be as promising as it appears at this point.

The environmental possibilities are particularly interesting for the further development of biodegradable and nontoxic dispersing agents for detergents.

However, further research must be undertaken and public awareness must be increased in order to fully realize the potential of this evolving research. Over the past 10 years, Dr. Steven Sikes and Dr. A.P. Wheeler have played an instrumental role in the development of these agents, the complete uses of which we can now only hypothesize. The brilliance and dedication of these scientists, together with their coworkers at the University of South Alabama, is highly commendable and every effort should be made to facilitate their ongoing research.

It is in that vein, and with the hope of continued scientific developments, that I applaud and support the biomineralization research being conducted at the University of South Alabama. Indeed, in his environmental oversight authority, I urge the gentleman from New Jersey [Mr. LAUTENBERG] and the Subcommittee on Superfund and Environmental Oversight to give the advancement of this technology every consideration in future deliberations.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, it is now 1,581 days that Terry Anderson has been held in captivity in Beirut.

An article appeared in the Washington Post on February 3, 1987, which shows the utterly precarious position which Terry Anderson and other hostages face each day that they are held.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Feb. 3, 1987]

ISLAMIC JIHAD WARNS AGAINST USE OF FORCE—"EXTINCTION" OF U.S. HOSTAGES THREATENED

(By Nora Boustany)

BEIRUT. February 2.—Islamic Jihad, a pro-Iranian group that holds at least two American hostages, threatened today to kill them and attack American targets with "no mercy whatsoever" if the United States attempts a military strike against Moslems in the region.

Islamic Jihad's statement, delivered here, was accompanied by a photograph of American kidnap victim Terry Anderson, the Middle East bureau chief of The Associated Press, who was seized by gunmen on March 16, 1985.

"Any blow directed against Moslems and strugglers will be met with a very harsh response in which we shall have no mercy whatsoever," Islamic Jihad warned, "Any attempted military operation against Moslems in the region, particularly in Lebanon, will spell the extinction of the hostages and American interests in the area."

The statement accused America of being "oppressive and unjust" and charged that the "jails of America, Europe, Israel, Kuwait and Egypt are brimming with Moslem prisoners."

[Pentagon officials said two U.S. aircraft battle groups and a Marine assault force are now in the eastern Mediterranean. But Pentagon spokesman Robert Sims said: "All we've done is precautionary in nature and should not be read as a threat to anyone who is conducting themselves in a civilized way," United Press International reported. Sims refused to comment about the Islamic Jihad threat.]

Today's statement was the first issued by Islamic Jihad, which also has said it is holding three French hostages, since the arrival of Anglican Church envoy Terry Waite in Lebanon on Jan. 13 and his disappearance one week later as he attempted to negotiate freedom for western hostages.

There have been conflicting reports about Waite's status, but most sources here agree that he is under some form of detention, although speculation varies as to the reason.

Shiite Amal leader Nabih Berri told reporters in Damascus today that he believes Waite "is arrested . . but I don't think he is kidnaped. What I know is that Waite is arrested now." He did not elaborate.

Druze leader Walid Jumblatt, who offered over the weekend to trade himself in as a hostage in exchange for Waite, said in Damascus that he was still very concerned for Waite's safety.

"I'm still looking for him. I think he's still in Lebanon, at least I hope so. I'm worried for his safety, terribly worried," said Jumblatt, whose Progressive Socialist Party militiamen were in charge of Waite's security until he asked them to leave him alone to pursue underground contacts quietly.

One optimistic, but unconfirmed, rumor in Shiite circles today was that Waite is "refusing to leave the captors until he can come back with something substantial"—suggesting his absence was not forced but self-imposed.

Before vanishing on Jan. 20, Waite reportedly had two meetings with the captors of Anderson and Thomas Sutherland, a dean at the American University of Beirut, who was kidnapped in June 1985. His two-week absence without a message has alarmed the British Embassy and his supervisor, Archbishop Robert Runcie of Canterbury.

Runcie's office said in London today that the archbishop had written to Hojatoleslam Ali Akbar Hashemi Rafsanjani, the speaker of Iran's parliament, asking for help in the search for Waite, who, in the past, has succeeded in gaining freedom for captives in Iran and Libya.

A spokeswoman for Runcie would not say whether a reply had been received from Rafsanjani, who said on television last week that Iran would help if it could in the search for Waite.

Some Shiite sources have said Waite was being held as a guarantee against possible American military action in the wake of the kidnaping of four professors—three Americans and an Indian-born U.S. resident—from the Beirut University College last month.

Another explanation is that Waite failed to come up with new offers that could resolve the stalled hostage crisis, Islamic Jihad has, in the past, demanded the release of 17 Shiite prisoners jailed in Kuwait in 1983 on bombing charges in exchange for American and French kidnap victims.

"As long as Moslems are still in the prisons of America, Europe, Israel and Kuwait and reactionary Arab countries, and as long as America persists in its lying, intended stonewalling and swindling, we shall release none of the hostages," Islamic Jihad said today.

"The American people and the families of the hostages should know that as long as our well-known demands, declared repeatedly, are not fulfilled we shall persist in our confrontation of America and its allies in the region with all means until our demands are fully realized," it added.

In Washington, State Department spokesman Charles Redman told reporters that the United States was "not going to make concessions or give in to terrorists or encourage third countries to do so"—an indirect reference to Kuwait. "Those who take hostages need to be aware of that," he said.

The Islamic Jihad for the Liberation of Palestine, a shadowy group whose name was first heard last month in statements claiming responsibility for the kidnaping of the four professors, has threatened to kill them on Feb. 9 unless Israel releases 400 Palestinian prisoners in Israeli jails—a demand Israel has rejected.

[A statement by Islamic Jihad for the Liberation of Palestine today said that the four professors had been moved out of Beirut to "safe areas" as U.S. naval forces gathered, United Press International reported.]

Unconfirmed local radio reports said Waite had been sighted in the Syrian-controlled Bekaa Valley over the weekend.

Hussein Mussawi, the leader of Islamic Amal, a breakaway faction of the mainstream Amal and a close ally of the extremist Hezbollah movement, today told Reuter in Baalbek in eastern Lebanon that Waite had never been to Baalbek and had never met with him as reported in the Lebanese press. Musawi told the news agency he would be "very upset if Waite as a mediator has become a hostage."

MARION MILITARY INSTITUTE

Mr. HEFLIN. Mr. President, recent Secretaries of Education and numerous spokesmen for respected educational institutions have warned us about serious weaknesses in American education. We have seen convincing statistics about high percentages of graduates who are functionally illiterate—who cannot properly read, write, or do simple mathematics—graduates, therefore, who limit their own opportunities as well as America's ability to compete with other nations. We have read about low test scores, overcrowded classrooms, a lack of discipline, about violence, and about school environments conducive to drugs and alcohol, rather than to education. We have been warned that our Nation is at risk.

I believe that few schools fit all of that description, but I am also convinced that we must exert every effort until no part of such a description fits any American school. Only then can all young Americans enjoy their inherited right to an education that will enable them to fulfill their potential as persons and to help raise the standing of our country among the nations of the world.

Mr. President, in view of the repeated documented warnings we have received, it is a great pleasure to be able to compliment schools that consistently produce outstanding graduates. We have many such fine schools in Alabama, but I would like to single out a particular one today because it is approaching the 150th anniversary of its founding.

Off the beaten track toward the western side of my State is a long-established, small, concerned, attentive, unique school that is probably one of the best kept "secrets" in American education. Marion Military Institute [MMI], a coeducational high school and junior college at Marion, AL thrives today with students from 40 States. The cries we hear today for our schools to "get back to basics" do not apply there because Marion never abandoned the basics—not in education, in leadership, nor in character training.

Classes at Marion are small, so that teachers and students soon know each other well and become partners in an enjoyable educational experience. The professors care about their students and see to it that they get whatever help they need or want to insure their progress.

Marion also emphasizes leadership training and development. While Marion is a military school, only 10 percent of its graduates have pursued military careers. However, the military aspect of the school provides unique opportunities early in life for all students to be progressively exposed to positions of increasing responsibility. As in academics, they are nurtured and encouraged in their leadership roles. Because this distinctive training has benefited MMI graduates throughout their lives, they tend to send their sons and grandsons to school there. A Marion education is a family tradition in many parts of our great country; and it is especially reas-

suring that so many American mothers are willing every year to entrust their cherished sons and daughters—during their most critical and formative years—to the nurture and guidance of the faculty and staff of a school and college located beyond their immediate maternal supervision and care.

Long before it was expected or required, Marion took a strong stand against student use of alcohol and narcotics. Peer pressure at Marion is the principal influence which maintains sobriety, but a random drug testing program ensures that the corps of cadets remains drug free.

Because the Romans taught us to strive for "Mens sana in Corpore sano," a sound mind in a sound body, every student at Marion participates in athletics and physical conditioning, and the mental and physical dividends are as rich now as they were in Caesar's day. Perhaps Gen. Douglas MacArthur, when superintendent of West Point, said it best: "Upon the fields of friendly strife are sown the seeds that, upon other fields on other days, will bear the fruits of victory."

Mr. President, just as religion has undergirded every great civilization, so moral and spiritual values support everything that Marion cadets do. Since cleverness can never supplant character, teachers and students at MMI cherish and support their traditional honor system, which is based on truth in every facet of everyday life. A recent graduate said, "Marion has many advantages, but the biggest advantage of all is the environment of trust, concern, and support which is made possible in the first place by the honor system." Marion is totally dedicated to preparing students for higher education and for a meaningful life. And one measure of its success is the fact that more than 50 distinguished senior colleges and universities have enthusiastically accepted Marion's 1989 graduating class.

Another proof of the effectiveness of the Marion system of education is the long list of its successful graduates in all areas of American life, such as medicine, law, engineering, private enterprise, business, government, and in the Armed Forces, where over 200 have served as generals or admirals.

Mr. President, I am proud that Marion Military Institute serves so many of America's young men and women on a campus in the State of Alabama. I am proud of the wonderful environment there and of the quality of education and training offered to its students. I am proud of the accomplishments of its graduates and of their contributions to our Nation.

I am pleased to tell you about this unique educational secret and to salute Marion Military Institute as it approaches its 150th birthday.

STATE JOURNAL-REGISTER EDITORIAL ON THE FLAG OF THE UNITED STATES

Mr. DIXON. Mr. President, I wish to submit an excellent editorial which appeared in the State Journal-Register, in Springfield, IL, on Tuesday, June 27, 1989, entitled, "As National Symbol, Flag Deserves Respect."

I have been an avid reader of the Journal-Register for about 40 years now. Ever since I arrived in Springfield as a State representative in January 1951, I have turned to the Journal-Register for its consistently balanced reporting on local and national issues.

It gives me great pleasure to share this editorial with my colleagues.

I have been troubled by the Supreme Court decision, and intend to introduce an amendment to the Constitution on this issue with Senator DOLE shortly.

I ask unanimous consent that this editorial appear in the RECORD at the conclusion of my remarks.

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

[From the State Journal Register, June 27, 1989]

AS NATIONAL SYMBOL FLAG DESERVES RESPECT

The venerable Supreme Court Justice Oliver Wendell Holmes Jr., was a devoted liberal and steadfast defender of the several liberties contained in the Bill of Rights. But the "Great Dissenter's most memorable opinion concerned the right of government to limit the abuse of free speech under the First Amendment.

He wrote: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a crowded theater and causing a panic. . . ."

We doubt that Justice Holmes would have sided with the slim majority of the Rehnquist court that sanctioned the burning and similar desecrations of the American flag in its startling decision handled down recently.

During the tumultuous 1960s, when the counterculture was routinely defiling and destroying the national emblem, the liberal Supreme Court under then-Chief Justice Earl Warren conspicuously avoided ruling on whether such actions were constitutionally protected forms of political protest.

So why should the current court come to the defense of Gregory Johnson, a member of the Revolutionary Communist Youth Brigade, and self-professed Maoist?

Johnson doused the flag in kerosene and then set fire to it in Dallas five years ago and chanted: "American, red, white, and blue. We spit on you." Convicted under Texas law, which along with similar laws in 47 other states, prohibing flag burning, he was fined $2,000 and sentenced to one year in jail.

The state's Court of Criminal Appeals overturned the conviction and the state appealed to the high court, contending the statute sought to preserve the flag as a "symbol of nationhood."

Writing for the 5-4 majority, Justice William J. Brennan Jr. declared that symbol is best preserved by not prohibiting "the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Justice Anthony M. Kennedy in a concurring opinion was more apologetic, calling the decision "painful" but inevitable because "the flag protects those who hold it in contempt."

The dissenting opinions of Chief Justice William H. Rehnquist and Justice John Paul Stevens are far more persuasive. Justice Stevens, a Navy veteran who won the Bronze Star in World War II, was especially eloquent in recalling those many Americans who have given their lives defending democratic ideas.

"If those ideas are worth fighting for—and our history demonstrates that they are—he said, "it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration." Going to the heart of the matter, he concluded it would be a "trival burden on free expression" to prohibit protesters from burning or otherwise defiling the American flag.

Much has been written about the court's courage in defending a despicable character. And in a theoretical sense, the controversial decision is eminently defensible because it can be viewed as democracy's finest hour in protecting the very rights of those persons who have little or no respect for such rights.

Accordingly, we do not impugn the motives of the five justices who ruled in the defendant's favor. But we believe the four dissenting justices have the better argument.

The idea that the flag is merely a piece of cloth that is far less important than the ideals it symbolizes has been bruited about for a long time. This sophistry misses the salient point in the case of Gregory Johnson, who was not prohibited from venting his spleen against the nation and what it stands for. The reality is that this would-be anarchist was not punished for his dissent but for the outrageously provocative manner in which he chose to express it.

The court in its decision left open the possibility that flag burning which incites a riot could be prosecuted as a crime. Thus, if the Texas flag burner had been set upon by outraged bystanders, his offense would not have been excused as the legitimate exercise of his First Amendment right.

An indignant public reaction to the so-called flag-burning decision is being reflected from President Bush and Congress, where moves for a remedial Constitution amendment are already underway.

Justice Holmes said that "a page of history is worth a volume of logic." For more than 200 years, the American flag has symbolized the world's most successful democracy. As Justice Rehnquist wrote: "The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas." It is an enduring symbol that is deserving of respect and protection.

BATTLE OF KOSOVO

Mr. KASTEN. Mr. President, I rise today to call the attention of all my colleagues to a truly momentous anniversary for Americans of Serbian descent. The year 1989 marks the 600th anniversary of the Battle of Kosovo, an event whose significance burns in the hearts and minds of Serbians everywhere.

In the Battle of Kosovo, the Ottoman Turks in 1389 conquered the proud and noble people of Serbia. This conquest was to result in an Ottoman

dominance over Serbia that would last for nearly five centuries.

But I think that this was not the most important effect of the Battle of Kosovo. Kosovo also became a symbol of Serbian nationalism and unity in the face of adversity—national traits that have helped preserve the Serbian spirit even from the depredations of Communist ideology which have ravaged our century.

In this special year, we should all stand back and pay special attention to that spirit—and learn appropriate lessons for our own national life.

PRAISE FOR SMALL BUSINESS GROUPS

Mr. KASTEN. Mr. President, on June 23 the Senate unanimously adopted an amendment I offered to the child care bill regarding section 89 of the Tax Code.

Specifically, Mr. President, my amendment provided for four things. It effectively exempted small businesses for at least 18 months from section 89, delayed the effective date of any new regulations, made sure that only people who are truly highly compensated are classified as highly compensated under section 89, and adopted a more sensible excise tax penalty structure.

I strongly believe that repeal is the only real solution to the nightmare known as section 89. But because there are those who feel just as strongly that we need nondiscrimination regulations on the books, I have worked very hard to make sure that, if we can't repeal section 89, any new bill we do come up with is one that will cause a minimum amount of chaos in the small business community.

Mr. President, I would like to thank the following groups for their strong support of repealing section 89, and for the weeks of hard work they put into making my amendment a reality. They are:

Alliance of Independent Storeowners and Professionals.

American Association of Nurserymen.

American Cement Alliance.

American Consulting Engineers Council.

American Council of Independent Laboratories.

American Dental Association.

American Floor Covering Association.

American Furniture Manufacturers Association.

American Highway Manufacturing Association.

American Institute of Architects.

American Machine Tool Distributors Association.

American Road and Transportation Builders Association.

American Society of Personnel Administrators.

American Society of Travel Agents.

American Supply Association.

Amway.

Associated Builders and Contractors.

Associated Specialty Contractors.

Association of Physical Fitness Centers.

Association of the Wall and Ceiling Industries.

Electronic Industries Association.

Electronics Representatives Association.

Florists' Transworld Delivery Association.

Grumman Corporation.

Independent Bankers Association of America.

Independent Medical Distributors Association.

International Association of Refrigerated Warehouses.

International Communications Industry Association.

International Franchise Association.

International Mass Retail Association.

Machinery Dealers Association.

NMTBA-Association of Manufacturing Technology.

National-American Wholesale Grocers Association.

National Association for the Self-Employed.

National Association of Brick Distributors.

National Association of Health Underwriters.

National Association of Manufacturers.

National Association of Personnel Consultants.

National Association of Small Business Invest. Comp.

National Association of Truck Stop Operators.

National Association of the Remodeling Industry.

National Campground Owners Association.

National Candy Wholesalers Association.

National Coffee Service Association.

National Council of Agricultural Employers.

National Fastener Distributors Association.

National Federation of Independent Businesses.

National Food Brokers Association.

National Grocers Association.

National Home Furnishing Association.

National Paperbox and Packaging Association.

National Restaurant Association.

National Shoe Retailers Association.

National Society of Public Accountants.

National Soft Drink Association.

National Tire Dealers and Retreaders Association.

North American Equipment Dealers Association.

Opticians Association of America.

Petroleum Marketers Association of America.

Printing Industries of America.

Professional Plant Growers Association.

Society of American Florists.

Specialty Advertising Association International.

U.S. Chamber of Commerce.

Mr. President, I would like to single out the National Federation of Independent Businesses [NFIB] for special praise. This organization formed the section 89 Repeal Coalition, and held it together while other groups surrendered the effort to repeal section 89. In particular, I would like to thank John Sloan, John Motley, and Mike Roush for their many hours of hard work, for their counsel and support, and for their commitment to truly guard and protect the interests of America's small businesses.

Unfortunately, Mr. President, this story does not have a happy ending. This week the House Ways and Means Committee, during consideration of the budget reconciliation bill, adopted a section 89 reform package which included none of the provisions adopted on the Senate floor.

This action represents a giant step backward in the effort to expand the availability of health care benefits and reduce confusion and paperwork in the small business community. The best efforts of the small businesses of the country to work toward a solution have been rejected out of hand, and it is clearer today than ever before that repealing section 89 is the only real solution. It is time to stop tinkering around the edges of this unbearable regulation and wipe the slate clean. The cries of outrage from the working men and women of America must be heeded. We have tried, in an honest effort, to improve the bill, and have not been taken seriously.

Mr. President, many fine small business organizations have fought long and hard for the repeal of section 89. The battle is not won yet, but the battle is far from over. I commend those organizations who have refused to accept practicality over principle; who have refused to adopt a "go along to get along attitude" and have stood for what is right; who have rejected "inside-the-beltway" politics and instead are worried about what is happening out in the real world.

Mr. President, these groups are the real heroes in the fight to repeal section 89. I want them to know, and I want all the Senate to know, that I will continue my fight for repeal.

AMBASSADOR ROZANNE RIDGWAY, THE "WISE WOMAN" OF AMERICAN FOREIGN POLICY

Mr. PELL. Mr. President, in my nearly 30 years in the Senate—25 of

them as a member of the Foreign Relations Committee—I have had the pleasure of meeting many members of the State Department and the Foreign Service. Prior to entering politics, I was myself a Foreign Service officer, serving in the State Department as well as overseas. I have traveled to many of our Foreign Service posts and have profited from the advice and friendship of many able and distinguished members of our diplomatic service.

I think back over the years to such names as Chip Bohlen, David Bruce, Averell Harriman, and, more recently, David Newson, Michael Armacost, and U. Alexis Johnson. These men bestrode some of the most important and challenging positions in our diplomatic and Government service. Some of them earned the special appellation of "wise men" for their leadership and counsel in our foreign policy.

They all have another attribute in common, in that they are all men. Today I wish to add a name to this pantheon of diplomatic distinction that breaks that historically male pattern. She is, of course, Ambassador Rozanne L. Ridgway, our former Ambassador to Finland and the German Democratic Republic and, most recently, Assistant Secretary of State European and Canadian affairs, whose retirement from the State Department took effect just 2 weeks ago.

For me she epitomizes the finest qualities in our foreign service. She is as thoughtful as she is brilliant, as sensitive as she is effective, as energetic as she is kind, and as loyal as she is level headed. I first knew her when she was our Ambassador for Oceans and Fisheries Affairs, and it is from that role that she gained the nickname of "Tuna Roz" that has been enshrined in the record of her many confirmation hearings before the Senate Foreign Relations Committee.

I am proud to say I had a hand in creating the State Department Bureau of Oceans and International Environmental and Scientific Affairs which was the parent organization for the fisheries office, and maintained a deep interest in the activities of the Ambassador for Oceans and Fisheries. Those were the day when we in the Senate enacted a 200-mile fishing conservation and management zone. Ambassador Ridgway headed the team that obtained the necessary agreements from other countries regarding fishing inside that zone. Her leadership transformed a contentious issue into a model of legislative-executive-industry consultation and cooperation.

This was just a middle rung in a State Department career of extraordinary versatility. Roz Ridgway went on to serve as Ambassador to two important countries, as Counselor of the Department of State, as Special Assistant to the Secretary of State of Negotiations, and for the past 5 years, as Assistant Secretary of State for European and Canadian Affairs. She has been honored with a variety of awards ranging from the Secretary of State's Distinguished Honor Award, the Presidential Citizens Achievement Medal, two honorary doctorates, and, not least, the "Person of the Year" award of the National Fisheries Institute.

She was a crucial participant in all five of the President Reagan-Secretary Gorbachev summit meetings, and at the President's side during years of meetings with the top leaders of Europe and Canada. She has been equally influential in foreign policy achievements behind the scenes.

She leaves the State Department with the good wishes of her many colleagues through the years. Let me add that she also has the best wishes, friendship, and gratitude of all of us in the U.S. Senate who have benefited from her leadership and advice. She carries with her our recognition of her as a "wise woman" of American foreign policy, fully the equal of those "wise men" who have been so recognized in the past.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1160, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PELL. Mr. President, the Foreign Relations Authorization Act for fiscal year 1990 authorizes appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. Overall, the bill authorizes $3,297,350,000 for the State Department, $920,050,000 for the U.S. Information Agency, and $398,247,000 for the Board for International Broadcasting.

These funding levels represent an increase of $548,188,000 over last year's enacted appropriations. The funding, however, is $460,181,000 less than the President's request. The reduction from the request levels reflects the necessity of conforming the foreign affairs budget to the summit agreement numbers for the 150 function.

As a general proposition, the committee tried to maintain a minimum of current services for the important ongoing activities of the foreign affairs agencies. In addition, it authorized money to meet U.S. treaty obligations to international organizations. Finally, the committee authorized some capital projects, including the construction of a new VOA/Radio Europe transmitter in Israel. However, many other construction requests could not be funded within the budget summit levels. Overall, the committee was guided by the principle of preferring people to bricks and mortar.

The bill contains many important legislative provisions. I would like to touch on several. The bill includes a provision, offered by Senator MOYNIHAN, to criminalize actions by executive branch officials when such actions are intended to implement an activity expressly prohibited by Congress. This provides a clear deterrent to executive branch actions, such as the circumvention of the Boland amendment, that flout the intent of Congress and the laws of the United States. The bill includes a title on international environmental protection, offered by Senators BIDEN, LUGAR, and myself, designed to enhance the protection of ecologically important sites in developing countries. The bill also includes my provision to protect the endangered African elephant by severely restricting the import of ivory into the United States. I am pleased to note that the President has preempted my provision by banning the importation of ivory.

Finally, the bill authorizes a new program of television broadcasts to Cuba. It is an undertaking about which I have many reservations. Although the initial cost is just $14 million, programming a television station could end up costing the American taxpayers hundreds of millions of dollars each year. Further, the TV program can easily be jammed thereby wasting the money expended. The TV broadcasts to Cuba authorized by this bill are, however, considerably improved over the original proposals. The TV broadcasts cannot go forward if they interfere in any way with the market of any American broadcaster. Further, the broadcasts must be consistent with international law.

I would like to draw attention to one other feature of this bill that I consider of preeminent importance. The legislation authorizes the full U.S. contribution to the United Nations and the specialized agencies, as well as the beginning of a phased repayment of U.S. arrearages. In my view, this authorization is justified by the progress the United Nations has made in putting its own budgetary and administrative house in order. In short, the United Nations did what the Congress required of it; now it is our job and our

part to fulfill the bargain and pay our dues.

In the last 18 months the United Nations has scored important successes. U.N. negotiations produced a Soviet withdrawal from Afghanistan. Security Council Resolution 598 has led to a ceasefire in the bloody Iran-Iraq war. Now, in Namibia, U.N. peacekeepers are supervising that country's transition to independence and the withdrawal of Cuban troops from adjacent Angola. These U.N. activities have helped accomplish longtime U.S. policy objectives. We would be pennywise and pound-foolish not to pay the relatively small sums required to insure the success of these U.N. activities.

Two years ago the Senate was accused of turning this bill into a Christmas tree of pet projects and micromanagement amendments. This bill is a policy vehicle and I would like to work with Senators who have specific proposals. However, I shall have to regretfully oppose any amendments that entail increased expenditures. The committee rejected almost all micromanagement and reorganization amendments presented to it. I hope the full Senate will do the same.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from North Carolina, the present occupant of the Chair. I would say to my dear friend and colleague that we are in the majority in this Chamber at the moment.

Mr. President, the Committee on Foreign Relations faced a formidable undertaking in melding the various competing goals of an appropriate level of funding for U.S. foreign policy operations during the coming year while at the same time trying to comply with the parameters of the bipartisan budget agreement. That is no easy thing to do, as all members of the committee discovered.

Unfortunately, the bill reported by the committee continues to reflect a tilt toward expanded new U.S. funding for the United Nations to the exclusion and detriment of other U.S. interests which demand a high priority. While improvements were made in a number of areas, serious shortcomings remain which the Senate needs to address during its consideration of the pending legislation.

Most notable of the bill's excesses is the 60-percent increase in funding, that is to say proving taxpayers' money, for the U.S. contributions to international organizations. Granted, the administration requested such an increase in its January budget. But obviously all of the figures have to be revisited in light of the subsequent budget summit agreement and the budget resolution adopted by Congress. Instead, the committee accepted this request while reducing many other aspects of the budgets for the State Department, U.S. Information Agency, and the Voice of America. And this gives me pause, frankly.

I said it to the committee and I say it on the floor and we will have some actions during the consideration of this bill to try to remedy that defect, among others. Whether we will be successful, I do not know, but we will give it our best shots.

For instance, in this Senator's judgment, some of the funds provided for "Contributions to International Organizations" should be transferred to the State Department "Salaries and Expenses" account. If we must choose between the U.S. bureaucracy and the U.N. bureaucracy, surely our relative priority should be to fund U.S. personnel who are under direct congressional oversignt, and specifically the Committee on Foreign Relations.

At a minimum, it is my understanding that the Secretary would accept a stretch-out of U.S. arrearage payments to the United Nations. Approximately $46 million in the committee bill represents payments on so-called arrearages to the United Nations. The committee was advised during markup that the Secretary of State would support halving this amount in order to fund increases in State's overall operating budget. I shall support such an amendment during floor consideration. Needless to say, the Secretary, and I talked with him this morning from Paris at about 6:15, concurs that United States diplomatic efforts should take precedence over these international organizations.

Similarly, the committee's bill does not provide adequate funding for one of the most important aspects of USIA's budget—modernization of our public diplomacy capabilities and specifically new radio construction aimed at China, Eastern Europe and Africa.

At a time when many international polls show Soviet leader Mikhail Gorbachev to be as popular as President Bush, and at a time when Chinese students are relying heavily upon the transmissions of Voice of America, the United States must pay close attention to its public diplomacy effort.

Mr. Gorbachev is playing a public relations game par excellence. That is what he is all about. He is after Western money, specifically low-interest loans from U.S. banks and various other governments and banks. Loans which the Soviet Union has no intent ever to pay back. To my knowledge they have never paid back a loan yet.

Unfortunately, the U.S. international broadcasting system is below modern international standards and is outdated. We know what that means in terms of our failure to reach the people who need to hear he voice at freedom.

Consequently, the administration has undertaken an important Voice of America modernization program. An important component of the program is to permit VOA construction of facilities in Morocco and Thailand. These new facilities will augment VOA's capacity to target North Africa, Eastern Europe, South and East Asia, and supplement coverage in the Soviet Union.

The administration had requested $89 million. These capital costs are one-time infusions which will reap enormous dividends in the long term.

The proposed funding level of $36 million in the committee bill would significantly restrict the modernization program. The long-term effect would be to reduce worldwide coverage and force a reduction in the number of language services. Postponing these expenditures will add in the long run to the overall costs, underscoring the need to proceed.

As I noted earlier, significant progress was made in improving the spending priorities in the bill over what had originally been proposed in what we call around this place, the "chairman's mark."

I might say for the RECORD and for those who may be listening on C-Span or in the galleries, that the chairman's mark is actually the basic bill, selected by the chairman, my distinguished friend for whom I have great affection; what he wants and what his staff wants. And that is fine.

However, the administration is concerned with the excessive earmarking in this bill, particularly in the USIA title. And especially given the budget constraints that we face, the President should be permitted, I think, the flexibility to respond to changing needs and demands which might require an adjustment in spending mandated in the committee's bill which is now pending before the Senate.

Mr. President, not all of the problems with this legislation are spending priorities. Two of the most significant provisions are contained in sections 111 and 112. The statement of administration policy, dated July 5, 1989, indicates that the President's senior advisers would recommend that the bill be vetoed, this bill, unless sections 111 and 112 are deleted.

As I say, I talked to the Secretary of State, he in Paris and I in Virginia, this morning about 6:15. I think I know what I am talking about, and I think I can convey accurately and adequately the position of the administration and what is likely to happen if we do not utilize good common sense and make a determination as to whether we want a bill or whether we want a veto. We can choose. We can go through all of the root canal process of passing a bill that is going nowhere, or we can reshape this pending legislation and get a proper proposal to send to the President.

According to the administration, let me quote directly:

These provisions, which are overly vague, intrude impermissibly on the President's constitutional authority to conduct relations with foreign governments and to administer U.S. foreign assistance programs. Furthermore, the provision would: (1) unfairly expose U.S. officials to potential criminal liability in cases where they would have no reason to believe that their conduct was unlawful; and (2) include many cases where Congress limits or prohibits the use of U.S. funds without any necessary intent to discourage or prevent other governments from pursuing a particular policy.

Mr. President, I shall elaborate perhaps at some length on these provisions later on, but the Senate should be advised of the seriousness with which the administration regards these sections of the committee's bill.

Having said all that, Mr. President, I want to commend the distinguished chairman of the Foreign Relations Committee. I said on this floor and in committee and many other places that CLAIBORNE PELL is unfailingly a gentleman. He is a good Senator and he is a good chairman. I enjoy working with him. I thank the chairman very much for yielding to me.

Mr. PELL. I thank the Senator for his kind words, and I hope he will feel the same at our next meeting.

Mr. HELMS. I will say to the distinguished chairman, if he will yield, one thing we have going for us in our relationship is that we always, when necessary, agree to disagree agreeably. The chairman pushes his point; I push mine. He happens to have one more vote in the committee than I do at best. I do not always make the point, but I try.

Mr. PELL. He makes the point very skillfully, and I am always glad to have that one extra point in the committee.

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

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I object.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. There is objection.

Mr. PELL. There is no objection if the Senator speaks for 5 minutes as if in morning business, and then a quorum call is reinstituted.

The PRESIDING OFFICER. The objection has been withdrawn.

Mr. PELL. Without objection.

Mr. PRESSLER. I thank my colleague very much. I thank my colleague for his kindness.

Mr. PELL. And at the end of 5 minutes we are back in a quorum call.

Mr. PRESSLER. Yes.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 1321 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRESSLER. Mr. President, I note 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 addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from North Carolina.

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

Mr. PELL. I object.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I would object at this time.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

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

Mr. HELMS. I object.

The PRESIDING OFFICER. There is objection. The quorum call will be continued.

The legislative clerk continued to call the roll.

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

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am about to propound a request for a unanimous-consent agreement to set forth the process by which the Senate will consider matters relating to the physical desecration of the flag of the United States. This is a result of discussions I have had over several days with the distinguished Republican leader and other Members of the Senate of both parties.

It is my belief that this is a serious matter of importance to all Americans and that it is important, indeed imperative, that the Senate establish a process for considering this important matter in a serious, mature, deliberative way and yet which at the same time provides assurance that all Senators will have the opportunity to express their views on the matter in debate in the Senate.

UNANIMOUS-CONSENT AGREEMENT

PHYSICAL DESECRATION OF THE FLAG

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be ordered that the Committee on the Judiciary shall hold at least 4 days of hearings on the issue of physical desecration of the flag of the United States prior to September 22, and that by September 22, 1989, the Committee on the Judiciary shall report out the measures covered in this agreement, and that after consultation with the Republican leader, the majority leader shall lay before the Senate as the last item of business before the October recess, not later than October 7, 1989, and any other business before the October recess shall be transacted by unanimous consent.

First, a bill whose prime sponsors are the Senator from Delaware [Mr. BIDEN] and the Senator from Delaware [Mr. ROTH] dealing with the issue of the physical desecration of the flag of the United States, or a companion bill from the House of Representatives, and after final disposition, to be followed on October 16 by the consideration of—

Second, a joint resolution, whose prime sponsors are the Senator from Kansas [Mr. DOLE], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. HEFLIN] proposing a constitutional amendment dealing with the same issue, which matter shall remain the pending business until final disposition thereof.

Provided, that this agreement gives the majority leader the power to lay these items before the Senate at any time, notwithstanding any rule of the Senate.

Provided, that the legislative measure shall be subject only to relevant legislative amendments, and the constitutional amendment shall be subject only to relevant amendments relating only to the issue of the desecration of the flag of the United States in the form of an amendment to the Constitution.

Provided, that the issue of flag desecration is not in order in any form prior to the consideration of the Biden sponsored legislation.

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

The text of the agreement follows:

Ordered, That the Commttee on the Judiciary shall hold at least four days of hearings on the issue of the physical desecration of the flag of the United States prior to September 22, 1989.

Ordered further, That by September 22, 1989, the Committee on the Judiciary shall report out the measures covered in this agreement, and that after consultation with the Republican leader, the majority leader shall lay before the Senate as the last item of business before the October recess, not

later than October 7, and any other business before the October recess shall be transacted by unanimous consent:

1. A bill whose prime sponsors are the Senator from Delaware [Mr. BIDEN] and the Senator from Delaware [Mr. ROTH], dealing with the issue of the physcial desecration of the flag of the United States or a companion bill from the House of Representatives, and after final disposition, to be followed on October 16, 1989, by the consideration of;

2. A joint resolution whose prime sponsors are the Senator from Kansas [Mr. DOLE], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. HEFLIN], proposing a constitutional amendment dealing with the same issue, which matter shall remain the pending business until final disposition thereof.

Ordered further, That this agreement gives the majority leader the power to lay these items before the Senate at any time, notwithstanding any rule of the Senate.

Ordered further, That the legislative measure shall be subject only to relevant legislative amendments, and the constitutional amendment shall be subject only to relevant amendments relating only to the issue of the desecration of the flag of the United States in the form of an amendment to the Constitution.

Ordered further, That the issue of flag desecration is not in order in any form prior to the consideration of the Biden-sponsored legislation, or the House companion bill.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. DOLE. I thank the majority leader.

This is a very serious issue and I know hearings have started on the House side.

I believe we have an orderly procedure now and there will not be between now and this time anyone offering flag amendments and constitutional amendments. This is serious and there will be at least 4 days of hearings.

In my view, I think this is an appropriate way to proceed, and, as it turns out, these will be back to back in a sense that after disposition of either the Biden-Roth statutory measure or a House companion bill we are in recess that following week and the first day back we take up the constitutional amendment. So that satisfies the concerns that some had on both sides that we might pass a statute and say, "Well, that is the end of it."

So there will be no intervening business except by unanimous consent between consideration of the statute and the consideration of the joint resolution for a constitutional amendment. That should satisfy Senators on each side of the issue and on each side of the aisle.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the agreement now in force be amended to add at the very end thereof the following words: "or the House companion bill."

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

Mr. DOLE. Is it the majority leader's understanding, then, that on Tuesday of next week there would be a period of time set aside for the introduction of both the constitutional amendment and the statute and those who wish to speak on either or both to have some time?

Mr. MITCHELL. Yes.

This might be an appropriate time to set forth the schedule, not only with respect to that but for the remainder of today and Monday and Tuesday.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, for the information of my colleagues, we have had an unexpected delay this morning arising out of controversy over some aspects of the bill which we hope has now been resolved and we will be able to proceed with the bill momentarily.

It is my intention, my hope, that the distinguished Republican leader and I will be able to join in offering an amendment at that time dealing with China sanctions and that we could have a vote on that prior to 1 o'clock—that then would be the only vote today; there would be no further votes after that—and that we would continue deliberation on this bill on Monday.

It is my expectation that we will make provision for a specific amendment to be offered and to be debated on Monday with a time limitation as a product of the discussions that are now under way and that the vote on that would occur on Tuesday morning. Prior to that, on Tuesday morning, it is my intention, in cooperation with the Republican leader, to have a period for morning business, a substantial period, set aside for the introduction of the legislation and the joint resolution for a constitutional amendment relating to the flag and to permit such discussion as Senators may wish to engage in at that time. I hope to have an announcement setting this forth in greater precision in just a few moments, awaiting the results of these discussions that have been going on now for the past few hours.

Mr. HELMS. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Certainly.

Mr. HELMS. I have not seen the China sanctions resolution. Has this been distributed among Senators?

Mr. MITCHELL. No.

Mr. HELMS. The distinguished majority leader did not propound a unanimous-consent request about the vote.

Mr. MITCHELL. No, I did not. I am not making any requests at this time. That was merely for information purposes.

Mr. HELMS. I see.

Mr. MITCHELL. We hope to have it available for distribution and introduction shortly and at that time I will propound the unanimous-consent request.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 268

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 3 hours equally divided between Senators MOYNIHAN and HELMS on a Moynihan amendment number 268.

I further ask unanimous consent that no amendments be in order to the Moynihan amendment; that when all time is yielded back, the vote occur on the Moynihan amendment at 11 a.m., Tuesday, July 18.

I further ask unanimous consent that Senator PELL now be recognized, following approval of this agreement, to modify the bill to remove existing Moynihan language, Lugar language and other modifications that Senator HELMS has agreed to.

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

The text of the agreement is as follows:

Ordered, That when the Senate resumes consideration of S. 1160, a bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, time for debate on a Moynihan amendment, No. 268, shall be limited to 3 hours, to be equally divided and controlled by the Senator from New York [Mr. MOYNIHAN] and the Senator from North Carolina [Mr. HELMS].

Ordered further, That no amendments be in order thereto.

Ordered further, That at 2:15 p.m., on Tuesday, July 18, 1989, the Senate proceed to vote on amendment No. 268.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I send a modification to the bill to the desk on behalf of the following members of the Foreign Relations Committee: Senators BIDEN, CRANSTON, DODD, KERRY, SIMON, SANFORD, MOYNIHAN, ROBB, LUGAR, SARBANES, and KASSEBAUM.

The PRESIDING OFFICER. The bill will be modified pursuant to the request of the unanimous-consent agreement and the authority of the committee.

The modifications follow:

(a) On page 9, line 7, after the period, insert the following sentence: "The authority of paragraph (4)(A) shall be exercised

only to such extent or in such amounts as are provided in advance in an appropriation Act."

(b) On page 18, line 13, strike "of" and insert in lieu thereof, "to spend proceeds received under".

(c) On page 37, after line 11, insert the following new paragraph:

"(c) The transfer of an employee's interest in the Civil Service Retirement and Disability Fund shall occur after October 1, 1990.".

(d) On page 40, line 21, after "section", insert "subject to the availability of appropriations".

(e) On page 41, line 14, after "section", insert "subject to the availability of appropriations".

(f) On page 42, line 6, after "section", insert "subject to the availability of appropriations".

(g) On page 8, line 11, strike out "1988" and insert in lieu thereof "1990".

(h) On page 40, line 7, strike out "effective date" and insert in lieu thereof "date of enactment".

(i) On page 131, line 11, strike out the period and insert in lieu thereof a semicolon.

(j) On page 131, line 16, strike out the period and insert in lieu thereof "; and".

(k) Beginning on page 71, strike Section 217.

(l) Beginning on page 104, strike Section 641.

(m) On page 10, strike Section 111 and on page 12, strike Section 112.

Mr. HELMS. Mr. President, can I ask the clerk to read the concluding four lines on page 4 of the modification just to make sure the language is there? It is the last section relating to construction.

Mr. MOYNIHAN. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield the floor to the Senator from New York?

Mr. HELMS. Yes.

Mr. MOYNIHAN. Mr. President, with respect to the Moynihan amendment now at the desk, as under the agreement just propounded by the majority leader, I ask unanimous consent to print in the RECORD a letter from Perry Shankle, president of the American Foreign Service Association, expressing the support of the AFSA for the amendment as modified.

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

AMERICAN FOREIGN SERVICE ASSOCIATION,
Washington, DC, May 26, 1989.

Hon. DANIEL P. MOYNIHAN,
Committee on Foreign Relations, 464 SROB, U.S. Senate.

DEAR SENATOR MOYNIHAN: The American Foreign Service Association [AFSA] thanks you for your proposed substitute amendment to section 108 of the Foreign Assistance Bill. We appreciate your sensitivity to the difficult circumstances in which foreign service officers are often placed.

AFSA also seeks your support regarding a proposed amendment to the Foreign Service Act that would reinstate the Department of State as the primary insurer of foreign service personnel abroad. This amendment would put into law what Congress expressed as legislative intent in the 1985 Authorization Act—that the Department act as primary insurer for foreign service employees abroad and pay the employee's hospital-related expenses.

Again, AFSA appreciates your support for the integrity of the career foreign service.

Sincerely,

PERRY SHANKLE,
President.

Mr. MOYNIHAN. I thank the Chair. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, in amendment No. 268 is the language beginning "Construction." I want to be sure it is there.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Let me review the amendment. I want to be sure the language is there somewhere.

The PRESIDING OFFICER. The clerk will report for the information of the Senate only.

The assistant legislative clerk read as follows:

Beginning on page 10, after line 18 insert the following:

SEC. 111. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.—

"(a) PROHIBITION.—(1) Whenever any provision of United States law enacted on or after the date of enactment of the Foreign Relation Authorization Act, Fiscal Year 1990, expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual, then—

"(A) no officer or employee of the United States Government may solicit the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, and

"(B) no United States assistance shall be provided to any third party,

if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited.

"(2) As used within the meaning of paragraph (1)(B), assistance which is provided for a particular purpose includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further that purpose.

"(b) PENALTY.—Any person who violates the provision of subsection (a)(1)(A) (relating to solicitation) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

"(c) Applicability.—The provisions of this section shall not be superseded except by a provision of law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'person' includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

"(2) the term 'United States assistance' means—

"(A) assistance of any kind under the Foreign Assistance Act of 1961;

"(B) sales, credits, and guaranties under the Arms Export Control Act;

"(C) export licenses issued under the Arms Export Control Act; and

"(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

"(3) the term 'United States assistance account' means an account corresponding to an authorization of appropriations for United States assistance.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States.".

Mr. HELMS. Let me ask the Chair if the amendment which the clerk was reading ends with "(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the full constitutional power of the President to conduct the foreign policy of the United States."

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, is the bill open for amendment?

The PRESIDING OFFICER. The bill is open for amendment.

AMENDMENT NO. 269

(Purpose: To prohibit negotiations with terrorists responsible for the murder, injury or kidnapping of an American citizen)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is proposed by the Senator from North Carolina for himself, Mr. KERRY, Mr. BOND, Mr. D'AMATO, Mr. COATS, Mr. PRESSLER, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. KASTEN, Mr. GRAMM, Mr. NICKLES, and Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. KERRY, Mr. BOND, Mr. D'AMATO, Mr. COATS, Mr. PRESSLER, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. KASTEN, Mr. GRAMM, Mr. NICKLES, and Mr. THURMOND, proposes an amendment numbered 269.

SEC. . PROHIBITION ON NEGOTIATIONS WITH TERRORISTS RESPONSIBLE FOR AMERICAN DEATHS.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by adding

before the period at the end thereof, the following: ", except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, I thank the Chair. I had the clerk read the entire text of the amendment because, one, it is brief and, two, I want it made very clear for the record and for those who may be listening in their offices and elsewhere. This amendment poses a simple clearcut question: Should U.S. officials negotiate with terrorists responsible for the deaths of innocent Americans? This Senator says absolutely not, and I believe there is a widespread sentiment and agreement with that in the Senate. We shall see.

Throughout last year, Americans heard various politicians proclaim that we should not negotiate with terrorists. As a matter of fact, a great many of our colleagues have taken that position publicly many times and with genuine enthusiasm and emotion. And for good reason because dealing with terrorists is absolutely repugnant to the American people. Americans realize that to concede to terrorists only encourages more terrorism. In fact, in his introduction to the Pentagon publication entitled "Terrorist Group Profiles," the then-Vice President of the United States, Mr. Bush, wrote as follows:

> The United States will be firm with terrorists. We will not make concessions. We will continue to urge other countries not to make concessions. Rewarding terrorists only encourages more terrorism.

The then Vice President, who is now, of course, the President of the United States, was right. For America to reward terrorists will simply increase terrorism against Americans. So you can imagine my astonishment when it was reported in the Washington Post on June 29 that our Ambassador to Tunisia, Robert Pelletreau, had been meeting with PLO terrorist Abu Iyad, and my guess is that the President of the United States must have been a bit shocked himself at that time. I hope so.

While the name of Abu Iyad may not be well known to a lot of people, the murder of innocent Americans, which he directed, still echoes in our memory. Surely, we are not so apathetic or callous that we forget so quickly.

The deadly record of this lifelong terrorist is shocking. In the early 1970's, Abu Iyad was a founder and leader of Black September, which was one of the most destructive and violent terrorist groups ever known to man. Abu Iyad helped plan the 1972 Munich massacre in which 11 Olympic athletes were killed, including David Berg of Cleveland, OH. He was also one of those behind the blood assassination of the U.S. Ambassador to Sudan, Cleo Noel, and Deputy Chief of Mission George C. Moore in Khartoum in 1973. In that same year, 1973, Abu Iyad's Black September terrorists opened fire with machineguns at passengers at the TWA terminal in Greece, and among the dead were two Americans, including a 16-year-old girl.

I offer this amendment to raise a question to the consciences of the Senate and to the consciences of the American people. Is this the kind of man with whom we are going to deal? Do we really think that we can profit by dealing with a man like this? Does this Abu Iyad, whom some within the State Department apparently want to treat as a legitimate diplomat, feel any remorse for his terrorism against Americans?

To the contrary, Abu Iyad in his own biography upholds as heroes the terrorists that carried out the massacre of those young people at the Olympics.

Where are we going to draw the line? The State Department is involved in negotiations with a man who murdered Americans with impunity. Despite Abu Iyad's history of crimes against Americans, the State Department has now endowed upon him the respectability inherent in serving as a negotiating partner with the United States. By so doing, it has sent a signal to other terrorists or would-be terrorists, that violence does pay. This is a signal, Mr. President, which the United States cannot, should not, and must not send, not if we are serious about fighting terrorism, and that is the real question.

With this in mind, I along with my distinguished colleagues, have offered this amendment to protect the United States from finding itself in direct negotiations with terrorists who have on their hands the blood of the sons and daughters of Americans. Specifically, the amendment adds to the section currently in the law conditioning talks with the PLO the following. Let me quote what the amendment says:

> Except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestinian Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.

Mr. President, as the chairman of the Task Force on Terrorism, the then Vice President wrote:

> We will bring terrorists to justice. Terrorism is a crime and terrorists must be treated as criminals.

Mr. Bush did not say "Read my lips," but I am sure he was just as emphatic when he said that as on another occasion. He is correct. He was correct. Instead of negotiating with Abu Iyad, the State Department should have this thug arrested. Indeed, he was indicted, as I recall, in Italy for gun running on the day that our talks with him were revealed in the news story to which I referred earlier.

But if the State Department will not treat Abu Iyad as the terrorist he is, at least the Senate should stand up and step in and stop him and others like him from being treated by the United States as legitimate, civilized diplomats.

Mr. President, I ask unanimous consent that a Wall Street Journal article of July 10 entitled "U.S. Talking With Palestinian Officials It Previously Branded as Key Terrorists" along with various news accounts of the PLO assassination of U.S. Ambassador Cleo Noel be printed in the RECORD.

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

[From the Wall Street Journal, July 10, 1989]

U.S. TALKING WITH PALESTINIAN OFFICIALS IT PREVIOUSLY BRANDED AS KEY TERRORISTS

(By Walter S. Mossberg)

WASHINGTON.—On June 28, Palestinian Salah Khalaf was indicted in Venice for supplying guns 10 years ago to Italy's Red Brigade, the terrorists who murdered former Italian Prime Minister Aldo Moro and kidnapped U.S. Gen. James Dozier.

The very day the charges were announced in Italy, the State Department confirmed that the same Mr. Khalaf has been negotiating on Middle East peace issues with U.S. Ambassador Robert Pelletreau, who has been conducting talks with the Palestine Liberation Organization.

The terrorist, who also goes by the name of Abu Iyad, is now the No. 2 man in the PLO after Yasser Arafat. Before becoming a diplomat for the PLO, he made his mark in blood. Intelligence officials believe he was a key figure in the notorious Black September group, which murdered the Israeli Olympic athletes in 1972, assassinated Jordan's prime minister the year before, hijacked numerous aircraft, and more.

GOING TOO FAR?

The disclosure that Mr. Pelletreau had been negotiating with such a high-level PLO official touched off protests from Israel and its U.S. supporters that the new U.S. "dialogue" with the PLO was going too far. The only previously known Pelletreau meetings had been with a lower-level PLO figure named Yasser Abed Rabbu.

The news helped fuel the arguments of Likud-bloc hard-liners who last week forced Prime Minister Yitzhak Shamir to toughen his plan for elections in the occupied territories to the point where it may never be acceptable to Palestinians.

The State Department argues that the U.S. never said it would only deal with one

low-level PLO official. That makes sense; the PLO is a diffuse federation, and it is reasonable for the U.S. negotiator to talk to more than one representative.

But does that mean the U.S. must deal with individuals who have personally been among the captains of international terrorism? Before the U.S. agreed in December to talk to the PLO at all, it required Mr. Arafat to renounce the use of terrorism. He did so. And in fact the Fatah component of the PLO, headed by Messrs. Arafat and Khalaf, apparently hasn't staged any terrorist incidents since then.

The administration is relying on this pledge to certify that it isn't talking to terrorists. "We stand by their statements of Dec. 14 where they renounced terrorism.," says State Department spokeswoman Margaret Tutwiler. Other State Department officials concede that Mr. Khalaf was an important figure in Black September, but they can't link him personally to the group's most spectacular crimes, such as the 1972 massacre of Israeli athletes in Munich. Another top administration official involved in Mideast policy shrugs off Mr. Khalaf's criminal past, saying, "We aren't concerned with who did what in the old days."

CONGRESSMAN'S COMPLAINT

But Rep. Mel Levine, a staunchly pro-Israel member of the House Foreign Affairs Committee, says that talking to Mr. Khalaf "makes a mockery of our anti-terrorism policy. By talking to him, we are elevating a terrorist to a position of respectability." The California Democrat says the U.S. should demand that the PLO produce negotiators who aren't terrorists.

Rep. Levine adds that "the administration forgets there's an Israeli audience out there that we have to bring along in the peace process." Talking to a terrorist involved in the Olympic massacre only undermines Israelis' faith in the fairness of the U.S. approach, he says. "We've already paid a price in the way the Likud party conference turned out."

The U.S. can't pick the top officials of the PLO, of course. And some critics of Israel note that Mr. Shamir himself was once a member of groups considered terrorist during Israel's fight for independence. But the administration, right up through President Bush, is well aware of Mr. Khalaf's reprehensible past.

In November, a month before the U.S. agreed to the PLO dialogue, the Pentagon published a study of terror organizations, "Terrorist Group Profiles." On page 12 is a photo of Mr. Khalaf, adorning the study's lengthy Fatah section.

SCHOOLHOUSE MASSACRE

Two pages later is a photo of Mr. Rabbu, Mr. Pelletreau's regular PLO interlocutor, identified as the No. 2 man in another PLO member group, the Democratic Front for the Liberation of Palestine. The DFLP, a pro-Soviet Marxist band, is most famous for a 1974 massacre of 27 Israelis in a schoolhouse.

Mr. Bush, then vice president, wrote the introduction to that report. In it, he rejected the notion that the terrorists described could be called "freedom lighters." He said: "The philosophical differences are stark and fundamental. It should be clear to all those who read this book that terrorists are criminals who attack our cherished institutions and profane our values."

The Bush administration's actions now don't square with the president's words last November. Mr. Bush's own envoy is treating as diplomats people the president branded as criminals eight months ago.

[From the Washington Post, June 29, 1989]

ADMINISTRATION HAS EXPANDED ITS CONTACTS WITH THE PLO

(By David B. Ottaway)

The Bush administration secretly has expanded its contacts with the Palestine Liberation Organization, meeting at least twice in Tunis with the PLO's second-highest official, Salah Khalaf, State Department officials said yesterday.

Officials said that an interview given by Khalaf to the Kuwaiti news agency KUNA, in which he disclosed that he has met twice with the U.S. ambassador to Tunisia, Robert Pelletreau, was essentially correct, but they insisted "there is no change in U.S. policy."

"He did meet with Salah Khalaf and discussed issues related to the [U.S.] dialogue, but our objectives remain the same," one official said. Khalaf is also known as Abu Iyad.

Israel has watched with growing anxiety the development of an expanding relationship between the Bush administration and the PLO. Israel has refused to have any dealings with the PLO and bitterly criticized the U.S. decision last December to open a "substantive dialogue" with the group.

The disclosure comes amid a spate of reports that a high-ranking administration official will soon go to Tunis to meet with PLO Chairman Yasser Arafat. Washington Post correspondent Patrick Tyler reported that a PLO official in Tunis said last week, "The idea was [to send] Dennis Ross to meet Abu Amar [Arafat's alias]."

State Department officials have emphatically denied for the past week that there are plans for either Assistant Secretary of State John H. Kelly or Ross, head of the department's policy planning staff, to meet with Arafat in Tunis.

Tyler reported that the same PLO official, Ahmed Abdul Rahman, said Pelletreau had met with the PLO representative in Tunis, Hakim Belawi, to discuss a possible Ross-Arafat meeting.

The administration has been particularly anxious to avoid saying or doing anything that might further complicate the task of Israeli Prime Minister Yitzhak Shamir, who is facing a challenge from his own right wing to his peace plan for the occupied territories.

The plan calls for elections for a local Palestinian leadership in the West Bank and Gaza Strip and is scheduled to be debated and approved or rejected at central committee meeting July 5 of the Shamir-led Likud Bloc.

In the KUNA interview, Khalaf said he had begun discussions with Pelletreau outside the formal dialogue Pelletreau has been holding with the PLO's designated delegation leader, Yasser Abed Rabbo.

Khalaf was quoted by Kuna as saying the administration had instructed Pelletreau to expand his contacts with PLO officials and that he had met twice so far with him to discuss Shamir's election plan. His latest meeting, he said, was Monday but it was not clear whether he meant this week or last.

He was quoted by Reuter news agency as saying the higher-level contacts were "an important and positive development."

The administration has been pressing the PLO to accept the plan and to authorize Palestinian officials from the occupied territories to discuss the plan with the Israeli government.

The PLO, in turn, has been pressing the administration for meetings with higher-level U.S. officials partly to show skeptics among its followers that the dialogue is valuable as a way of gaining greater U.S. diplomatic recognition.

Last night, State Department officials said there are no plans for any U.S. official other than Pelletreau to meet with the PLO.

"Pelletreau is our channel," said an official, who spoke only on condition of anonymity.

This official said that various PLO officials had passed through Tunis, where the organization has its headquarters, "who wanted to meet with Pelletreau to discuss various aspects of our dialogue."

Pelletreau had used the requests to have informed meetings and contacts. But the formal sessions, where the two sides discuss issues related to Middle East peace negotiations, will continue at their present diplomatic level, U.S. officials insisted.

[From the Washington Times, June 29, 1989]

PLO LEADER FACES TERROR LINK CHARGE

VENICE, ITALY.—A senior PLO official and four former Italian military officers were indicted yesterday in connection with the alleged supply of PLO arms to the Red Brigades in 1979, the ANSA news agency reported.

ANSA said among those indicted was Salah Khalaf, also known as Abu Iyad, a top member of Fatah, the mainstream Yasser Arafat-led faction of the Palestine Liberation Organization.

The agency said Venice Magistrate Carlo Mastelloni indicted four former officials of SISMI, the secret service wing of the Italian military. They were identified as Gens. Gino Lugaresi and Pasquale Notarnicola, Col. Armando Sportelli and Marshall Giuseppe Agricola.

Also indicted were six Italians who worked or studied at a language school in Paris and allegedly served as contacts between Red Brigades terrorists and Palestinians in the French capital, ANSA said.

Mr. Mastelloni has been investigating alleged links between the Red Brigades and the PLO for years. The investigation grew out of statements by Red Brigades terrorists-turned-informers who said the PLO supplied a shipment of arms, including 150 Sterling machine guns, delivered by yacht from Lebanon to Venice in September 1979.

[From the New York Times, Mar. 3, 1973]

TWO BELIEVED SPARED—JORDANIAN AND SAUDI ARABIAN DIPLOMATS REPORTEDLY ALIVE

(By Henry Tanner)

KHARTOUM, THE SUDAN, March 3.—The Sudanese Government announced early today that Black September commandos had executed two American diplomats who had been held hostage since Thursday night.

The diplomats—Cleo A. Noel Jr., the recently arrived Ambassador, and George C. Moore, the outgoing chargé d'affaires—were among five envoys taken hostage when the commandos invaded and seized the Saudi Arabian Embassy as a farewell reception for Mr. Moore was being held.

A United States Embassy spokesman said that the deaths, by shooting, were confirmed by a Sudanese officer who entered the embassy with permission from the terrorists.

SHOTS WERE HEARD

The Sudanese Government also announced that a third hostage—Guy Eid, the Belgian chargé d'affaires—had been killed, but the officer said he was still alive although critically wounded, according to the American Embassy.

The Sudanese officer sought in vain to persuade the terrorists to release the bodies, an American spokesman said. Negotiations for the release of the dead were expected to continue.

The Sudanese Government said that the two other hostages, Sheik Abdullah el-Malhouk, the Saudi Ambassador, and Adliel Nazir, the Jordanian chargé d'affaires were still alive.

The executions were reportedly carried out at 9:30 last night (2:30 P.M., Friday, New York time) when shots could be heard in the area of the embassy. Sudanese soldiers, sent to surround the building, first reported the executions, and their reports were later confirmed by the Government.

[In Washington, United Press International reported, the State Department said that Mr. Noel had been allowed to make one phone call before his death and that he asked an official at his embassy about "the state of play in the outside world"—meaning world reaction to the guerrillas' act.]

THE RAIDERS' DECISION

The bursts of fire came as a sand storm hurled clouds of sand around the darkened building, where the hostages were held in a second floor room behind closed shutters. Visibility was down to about 15 feet.

According to an official Sudanese statement, the killings followed a breakdown of negotiations between leaders of the terrorists and the Sudanese Government.

During the day, the Deputy Premier and Interior Minister of the Sudan, Mohammed Bagir, and other Cabinet ministers had spent several hours negotiating with the terrorists by telephone. The Sundanese had been reported hopeful that the raiders might eventually agree to be flown with their hostages to an Arab capital where both the terrorists and the hostages would be released.

During the morning, the commandos had set 2 P.M. as the deadline by which their demands had to be accepted. At 2, one of them appeared on the balcony outside the room where the hostages were being held, looked at his wrist watch, then disappeared.

In their last exchange by telephone with the Government negotiators, the commandos said at 8:30 P.M. that they had decided to execute the hostages because they had received no acceptable answers from the governments involved.

The Jordanian Government had announced yesterday morning that it would not bow to the guerrillas' demands for the release of Abu Daoud, a leader of Al Fatah, the Palestinian resistance organization, and the release of other Palestinians accused by Amman of having attempted a coup against King Hussein.

"We insist and reconfirm," the commandos had said during the day, "that we will not leave the embassy or release the hostages or even guarantee their lives except if the Palestinian prisoners held in the prisons of the reactionary regime of Jordan are freed."

Many diplomats here expressed the belief that the lives of the Americans had depended primarily on the Jordanian response to the guerrilla demands.

The guerrillas had originally also demanded the release of Sirhan Sirhan, who is serving a life sentence in California for the 1968 assassination of Senator Robert F. Kennedy. [In Washington, President Nixon said at a news conference before it was announced that the envoys had been killed that the United States would "not pay blackmail" for the release of the diplomats.]

In addition, the guerrillas had demanded the release of a number of other people held in Jordan, of all Arab women detained in Israel, and of members of the Baader-Meinhof urban guerrilla group held in West Germany "because they supported the Palestinian cause." The commandos reportedly scaled down their demands during the day yesterday, while continuing to insist on the release of Abu Daoud and his group.

It was believed that the terrorists spared the Jordanian envoy because they intended to go on bargaining for the release of Abu Daoud and his companions.

The wife of the Saudi Arabian Ambassador was allowed by the terrorists late last night to leave the embassy with their four children. Mrs. Malhouk returned to join the hostages this morning.

The raid on the Saudi Arabian Embassy started a few minutes before 7 p.m. on Thursday. The reception for Mr. Moore, attended by chiefs of mission, had just ended. The host, Mr. Malhouk, acting as dean of the diplomatic corps, handed Mr. Moore a silver tray as a present and made a short speech to which Mr. Moore responded.

The shooting, according to all witnesses, lasted only a few moments. Some of the attackers had pistols, others machine guns, the witnesses said.

Ambassador Noel had left the party, another ambassador said, and was standing outside the gate when the raiders arrived and brought him back inside.

Mr. Noel suffered a flesh wound in his left ankle from a ricocheting bullet at the start of the take-over by the commandos, who were said to number six or seven.

Mr. Moore, according to the United States Embassy, was either kicked or pistol-whipped and suffered a bruise on his right cheek in the raid, staged by members of the same organization that claimed responsibility for the killing of 11 members of the Israeli Olympic team last September at Munich.

There were no police guards at the Saudi Arabian Embassy during the reception for Mr. Moore. Usually the police here assist in directing traffic for such receptions.

It was not clear whether the embassy had failed to ask for the guards or whether the police were too busy with preparations for the celebration of the first anniversary of the agreement at Addis Ababa that ended 17 years of civil war between the central Government at Khartoum and the rebels in the southern part of the country.

President Gaafar al-Nimeiry passed near the Saudi Embassy in a car minutes before the commandos struck.

Msgr. Ubaldo Calabresi, the papal nuncio in Khartoum, was standing in front of the gate with Ambassador Noel Thursday night when the commandos burst in. But though the invaders took Ambassador Noel into the building, they apparently overlooked the monsignor. One diplomat suggested that they might have mistaken his cassock for the flowing gown of the Moslems.

The French Ambassador, Henri Costilhes, escaped by jumping over a six-foot wall around the embassy. He said today that he had just taken leave of Mr. Malhouk, his host, and was going down the steps when four guerrillas jumped out of a Land-Rover outside the gate and entered the little garden shouting and firing into the air. Mr. Costilhes said that he walked away from them and made for the wall.

Other witnesses said they saw another group of three or more men arriving in a small car.

The Soviet Ambassador, Leliks I. Sevastyanov, was in the garden and hid until the attackers were inside the house.

Yugoslavia's Ambassador, Ljubomir Drndie, and the Hungarian envoy, Lajos Benczckovits, were on the sun deck on top of the four-story embassy structure. They hid twice as one of the commandos searched the premises. According to witnesses, they came out about an hour later, identified themselves and were let go.

Inside the house, the witnesses said, there was bedlam. The American diplomats and others were made to kneel, their hands above their heads, and then were tied up, according to one of the diplomats who was there.

[From the New York Times, Mar. 3, 1973]

SLAIN U.S. DIPLOMATS EXPERTS ON MIDEAST

(By Cleo A. Noel, Jr.)

WASHINGTON, March 2.—When he was named Ambassador to the Sudan a few months ago, Cleo A. Noel Jr. confided to friends, "It will be good to get back home."

Home meant Khartoum, and the embassy garden where he had planted trees on his first tour of duty there in the late nineteen-fifties.

Mr. Noel flew to Khartoum a few days after he was sworn in on Dec. 8 as the first United States Ambassador to the Sudan since diplomatic relations between the two countries were broken off in 1968. He was one of the State Department's experts on the Sudan and was fluent in Arabic.

He was born Aug. 16, 1918, in Oklahoma City, and grew up in nearby Moberly, Mo. He graduated from the University of Missouri, and taught history there for a year before enlisting in the Navy.

During World War II he served as a gunnery officer on destroyer escorts in the Caribbean and the Mediterranean, rising to lieutenant commander.

After the war he did graduate work in history at Harvard before joining the Foreign Service in 1949. That was the year he met Lucille McHenry, a personnel officer with the State Department. She hired him, and a short time later they were married.

In the late nineteen-fifties he served as second secretary and political officer in Jidda, Saudi Arabia, and Khartoum, returning to Washington at the beginning of the Kennedy Administration. He later had a second tour of duty in Khartoum as deputy chief of mission.

He was then assigned to The Hague as political counselor and a year later began his second tour of duty in Khartoum as deputy chief of mission.

Even after the Sudan broke diplomatic relations with the United States in 1967, Mr. Noel remained in that country as officer in charge of the American-interest section of the Dutch Embassy.

In 1969, he returned to the United States, and became deputy director of personnel for assignments in the State Department.

His wife joined him in Khartoum a few weeks ago.

He also leaves two children, John Francis, 21 years old, who had been studying at American University in Washington, and Janet, 18, a student at Oberlin College in

Ohio; his mother, Mrs. Cleo A. Noel Sr. of Moberly, Mo., and a sister, Mrs. J. W. Barry, who lives near Kansas City, Mo.

[From the New York Times, Mar. 3, 1973]

SLAIN U.S. DIPLOMATS EXPERTS ON MIDEAST

(By George C. Moore)

WASHINGTON, March 2—For the last three years, George C. Moore had been the senior United States diplomat in Khartoum, working out the details of the restoration of diplomatic relations between the United States and the Sudan.

A specialist in Arab affairs, Mr. Moore, a career Foreign Service officer, was assigned in 1969 as chief of the American interests section in the Dutch Embassy in Khartoum. His responsibility was to represent United States interests at a time when the Sudan had broken off diplomatic relations with the United States as a result of the 1967 war between the Arabs and Israel.

With the restoration of relations last year, Mr. Moore became counselor of the United States Embassy and served as charge d'affaires until the arrival early this year of Ambassador Cleo A. Noel Jr. Both Mr. Moore and Mr. Noel were killed today by Palestinian terrorists of the Black September organization, who had seized them as hostages.

At the time of his death, Mr. Moore had been scheduled to go to another diplomatic post.

Mr. Moore, born in Ohio in 1925, had been educated for a career in the Foreign Service. After serving in the Army in World War II from 1944 to 1946, he was graduated from the University of Southern California in 1949 with a bachelor's degree in international relations. He received his master's in international relations there in 1951.

Mr. Moore entered the Foreign Service in 1950, taking up a post in Frankfurt, and then became director of an American center in Munich. He quickly shifted over to become one of the department's Arab specialists, serving in North Africa and the Middle East.

From 1953 to 1955 he was a consular officer and economics officer in Cairo, followed by a year of Arabic language training. He served as political and economics officer in Asmarn, Ethiopia, Benghazl, Libya, and Tripoli, in Lebanon, before being assigned to the State Department's Arab Peninsula Affairs Desk in 1963.

In 1968, Mr. Moore was chosen for a year's study at the National War College, one of the highest honors that can be given to Foreign Service officers in mid-career. On completion of that study, he was assigned to Khartoum.

Mr. Moore was married to the former Sarah Stewart. They had two daughters: Lucy Ann, who was born in 1951, and Katherine, born in 1953.

[From the Washington Post, April 5, 1973]

ARAFAT IMPLICATED IN ENVOYS' DEATHS

(By David B. Ottaway)

Yasser Arafat, leader of the main Palestinian guerrilla organization, Fatah, was in the Black September radio command center in Beirut when the message to execute three Western diplomats being held hostage in Khartoum was sent out last month, according to Western intelligence sources.

The sources said it was not clear whether Arafat personally or Salah Khalef, an extremist Fatah theoretician better known as Abu Iyad, gave the order to carry out the executions, using the code word "Cold River."

But they have reports that Arafat was present in the operations center when the message was sent and that he personally congratulated the guerrillas after the execution of the three diplomats, two Americans and a Belgian, was carried out.

"This is the first time that he [Arafat] has been clearly implicated in something like this," said one source.

Previously, the Sudanese minister of information, Omar Haj Mussa, had revealed that Arafat played a role in getting the Black September group to surrender in Khartoum to Sudanese authorities. Mussa declined to provide details.

According to one source, the U.S. Central Intelligence Agency monitored at least some of the communications between the operation's Beirut command center and the Saudi Arabian embassy in Khartoum, where the hostages were being held. Arafat's voice was reportedly monitored and recorded.

But it was not clear from this source whether Arafat's voice was identified as the sender of the Cold River message or was only heard later congratulating the guerrillas and later during the negotiations leading to the surrender of the eight Black September terrorists.

The close ties between Black September and Fatah, long regarded as the "moderate" among the half dozen major Palestinian guerrilla groups, were disclosed recently in a confession by a top Fatah leader made to Jordanian authorities.

Mohammed Danud Oudch, who uses the cover name of Abou Daoud, told the Jordanian that Black September did not exist as an organization and that "all its activities were carried out by the intelligence, branch of the Fatah guerrilla organization."

Dauod and 16 of his men were arrested in Jordan in February. According to his confession, the team was on a mission to kidnap Jordanian Cabinet ministers and bargain for the release of 40 imprisoned Palestinian guerrillas.

Daoud's confession, which revealed in great detail the training of Palestinians for terrorist operations, is generally regarded as authentic and accurate in Western intelligence circles.

Among other things, Daoud disclosed the key role played by Abu Iyad—in planning various terrorist exploits, including the raid on the Israeli quarters at the Olympic Games in Munich last September. It resulted in the killing of 11 Israelis.

Dauod also revealed that he had received his intelligence and arms training in Cairo, where he took a nine-week course with nine other Palestinians.

Daoud's confession and the complications created for Fatah in its relations with Arab governments because of the Khartoum operations have reportedly led within the organization to a total reassessment of strategy.

Fatah has been busy since the Khartoum raid in early March patching up its relations with various Arab governments, including the Sudan.

A delegation from the Palestinian Liberation Organization, which Arafat also heads, recently visited Khartoum. After the visit, the Sudanese government issued a statement saying it had no evidence that the central Fatah organization was involved in the operation and that it was only holding individual Fatah members, including the leader of the local office, responsible for the assassinations.

President Jaafar Nimeri has announced that the eight terrorists will go on trial and that they face the death penalty.

Sources here believe that the difficulties that have arisen for Fatah because of Khartoum and Daoud's confession may lead Arafat to separate more formally the organization's terrorist arm from its central body.

Because of the adverse reaction of many Arab governments in the Khartoum operation, the sources also express the belief that it is unlikely that Black September will soon strike again in another Arab country, except perhaps Jordan.

Mr. HELMS. Mr. President, Abu Iyad's leadership role in the notorious Black September group is well known. Among other places, it is documented in "The International Dimension of Palestinian Terrorism," written by Ariel Merari and Shlomi Elad of the Jaffee Center for Strategic Studies, page 35, and in the 1988 publication "Terrorist Group Profiles," page 12, which lists under the title "Leadership of Fatah: "Yasir Arafat (Abu Ammar), Salah Khalaf (Abu Iyad)." Under the title "Other Names," it said: "The Fatah used the name Black September Organization [BSO] from 1971 to 1974 * * *."

I ask unanimous consent that the profile of Fatah from the Vice President's "Task Force on Combatting Terrorism" be printed in the RECORD at this point.

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

TERRORIST GROUP PROFILES

FATAH

Date Formed: 1957.

Estimated Membership: 6,000 in Lebanon and 5,000 scattered throughout the world.

Headquarters: Tunis, Tunisia, serves as the symbolic international headquarters. The Fatah operates both overt and covert offices throughout the Middle East and Europe.

Area of Operations International: The Fatah's operational efforts are focused primarily against Israeli targets in Israel, Lebanon, and the occupied territories.

Leadership: Yasir Arafat (Abu Ammar), Salah Khalaf (Abu Iyad).

Other Names: The Fatah used the name Black September Organization (BSO) from 1971 to 1974 and the cover name al-Asifa (The Storm) in 1965. In recent years, Force 17, the Hawari group, and security elements of the Fatah have been involved in terrorist operations. The name Fatah is a backwards acronym for *Harakat al-Tahrir al Filistini*, which means "Palestine Liberation Movement" in Arabic.

Sponsors: Palestine Liberation Organization, Palestinians abroad, most Arab states, China, the Soviet Union, and other Communist countries.

Political Objectives/Target Audiences:

Seek to establish an independent, secular Palestinian state; originally committed to recapturing all of Palestine, but now may accept a state based on a Gaza/West Bank formulation.

Reject Camp David Accords.

Recognize the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people.

BACKGROUND

Formed by Palestinian exiles in Kuwait in 1957, the Fatah surfaced in 1959 and began to mount raids into Israel in January 1965. After the 1967 Six-Day War, the Fatah, the military arm of the Palestine Liberation Organization (PLO), grew rapidly and eclipsed other Palestinian organizations. In 1969, Fatah leader Yasir Arafat assumed leadership of the PLO.

The increase in the Fatah's power after 1967 also created new problems for the organization, and in 1968 Israel initiated retaliatory strikes for Fatah operations against Israel by hitting Fatah locations in neighboring Jordan. The Fatah, meanwhile, began to compete directly with Jordanian authority in areas such as the Jordan River valley. These tensions culminated in September 1970 (referred to as "Black September" by radical Palestinians) when Jordanian authorities fought the Fatah to reassert control during a 9-day siege of Palestinian refugee camps in Jordan. Fatah-Jordanian friction continued through 1971, when the remainder of the Fatah forces were forced out of Jordan. Nearly all of Fatah's forces relocated to Lebanon.

Mr. HELMS. Mr. President, Abu Iyad has been called the mastermind behind the Munich massacre. His role in this notorious terrorist activity was documented in testimony given by Muhammad Dawud (Abu Dawud) in March, 1973. Abu Dawud testified: "First, Abu Iyad operations. The successful operations are the Munich operation * * *."

Abu Iyad's role in the Munich massacre was further documented by Alan Hart, who wrote a biography of Arafat. He said that Abu Iyad had "executive responsibility" for organizing the massacre.

Other evidence linking Abu Iyad with the Munich massacre was documented in "Transnational Terrorism," page 341, written by Edward F. Mickolus, and in "The PLO: The Rise and Fall of the Palestine Liberation Organization," page 107, written by Jillian Becker.

Mr. President, I ask unanimous consent that the Abu Dawud testimony on Abu Iyad's role in the Munich massacre be printed in the RECORD at this point, along with the Mickolus account.

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

Question: Name the operations which have been carried out by Abu Iyad, 'Ali Hasan Salamah, and by Abu Yusuf and Khalil al-Wazir.

Answer: The successful operations are the Munich operation, and the killing of an Israeli intelligence officer in Madrid early January 1972. I do not know who implemented that operation. The unsuccessful operatons are: The operation against the Council of Ministers in Amman. Second, 'Ali Hasan Salamah's operations. The successful ones are the Trieste operation—blowing up oil storage tanks in Trieste Italy. These storage tanks supply Europe and Germany with fuel. He sought the help of Ash-Shamali in this operation. Ash-Shamali died of cancer and he was the husband of Antun Sa'adah's daughter. I do not know the persons who carried it out. The second operation was blowing up the gas storage tanks in the Netherlands and Germany. The third operation was killing five Jordanians in Hamburg on the pretext that they collaborated with the Israeli intelligence. The fourth operation was firing shots on the Jordanian Ambassador in London Zayd ar-Rifa'i. The fifth operation was the blowing up of an Israeli vessel in the United States. He also has one unsuccessful operation: The attempted attack in Austria on the Soviet Jews who were emigrating to Israel. Three, Abu Yusuf operations: Killing Wasfi at-Tall. He personally assigned the men through Yahya 'Ashur. He transported them to Aicor and subsequently, he himsef transported the weapons to Cairo. He carries an Algerian diplomatic passport; the Sabena plane operation at LOD airport, the LOD operation was a failure; the Bangkok operation which was a failure also; another operation, which was supposed to take place together with the Bangkok operation, was attacking the Israeli embassy in Romania; that too failed. Another failure was the attempt on the life of 'Abdallah Salah in Tunis. It did not succeed because the Tunisian security measures were good. 'Abdallah Salah went to Tunis to put forward the United Kingdom project. Abu Jihad took part in the Bangkok operation. There were other operations aganst Mustafa Dudin, 'Adnan Abu 'Awdah, 'Abdallah Salah in May 1971. They were planned by Abu Yusuf and Abu Jihad. They failed.

This is my statement which was obtained from me of my own free will, choice and full freedom, and I endorse it with my signature.

Mr. HELMS. Mr. President, Abu Iyad's role in the 1973 murder of U.S. Ambassador Cleo Noel and Deputy Counselor George Moore in Khartoum was documented in Newsweek, May 12, 1986, which recounted the testimony of former PLO director of intelligence and deputy chief of staff Abu Zaim. He said Abu Iyad "personally ordered the execution of the American diplomats."

Abu Iyad's role in the Khartoum murders was further documented in a Washington Post article on April 5, 1973, which said:

[A]ccording to Western intelligence sources * * * it was not clear whether Arafat personally or Salah Khalaf, an extremist Fatah theoretician better known as Abu Iyad, gave the order to carry out the executions using the code word "Cold River."

Other evidence linking Abu Iyad to the Khartoum murders can be found in a New York Times article of March 2, 1973.

The Newsweek article reads as follows:

Now that the Justice Department has decided against trying to prosecute Yasir Arafat for the murder of two U.S. diplomats in Sudan 13 years ago, a former top aide to the Palestine Liberation Organization leader has tied his onetime boss more closely than ever to the killings. Abu Zaim, until recently PLO director of intelligence and deputy chief of staff, told Newsweek's Ray Wilkinson that Arafat's senior aide, Abu Iyad, "personally ordered the execution of the American diplomats" and that Arafat himself was "probably personally involved." Zaim has publicly denounced Arafat and called for a clean sweep of the PLO leadership, but he is considered a credible source."

Mr. President, shortly after the State Department decided to negotiate with the PLO, I asked my staff to compile a list of all American citizens who have reportedly been killed, injured or otherwise victimized by PLO terrorism.

My staff came up with a list of 40 Americans reportedly killed and nearly 60 Americans otherwise victimized by PLO terrorism. There are probably more.

But the point is, Mr. President, that at least 40 Americans have lost their lives to senseless PLO terrorism. Forty American families grieve for a meaningless, tragic loss.

And now, the State Department has decided to forget these 40 Americans, and forgive criminals responsible for their murders. Last week, a State Department official told the Wall Street Journal that the slate for the PLO has been wiped clean, that "We aren't concerned with who did what in the old days."

Mr. President, this attitude of callous disregard for the lives of Americans is reprehensible. It is the kind of attitude which makes my amendment so necessary.

I ask unanimous consent that the list of American victims of PLO terrorism be printed at this point in the RECORD.

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

AMERICANS VICTIMIZED BY PLO TERRORIST ATTACKS

American victim	Date	Type of attack
1. George Shultz	March 1988	Car bomb attempt foiled near his hotel in Jerusalem.
2. Gail Klein, wounded	October 1986	Bomb attack in Jerusalem.
3. Alberto Ospina, killed	April 1986	Killed in bombing of TWA Flight 840.
4. Maria Klug, killed	do	Do.
5. Demetra Klug, killed	do	Do.
6. Demetra Stylianopoulos, killed	do	Do.

AMERICANS VICTIMIZED BY PLO TERRORIST ATTACKS—Continued

American victim	Date	Type of attack
7. Leon Klinghoffer, killed	October 1985	Achille Lauro ocean liner hijacked. Klinghoffer was shot and thrown overboard.
8. Ahron Gross, killed	July 1983	Gross, an American seminary student, was stabbed to death by three terrorists.
9. One American, wounded	September 1981	Grenade attack against tourists in the old city of Jerusalem.
10. Stephen Hilmes, killed	September 1978	Bomb attack in Jerusalem.
11. Richard Fishman, killed	June 1978	University of Maryland student killed in a bomb attack on a bus in Jerusalem.
12. Gail Rubin, killed	March 1978	Killed in bomb attack on tour bus in northern Israel.
13. Harold Rosenthal, killed	August 1976	Casualities of grenade and submachinegun attack at the Istanbul airport.
14. Nona Shearer, wounded	do	Do.
15. Lucille Washburn, wounded	do	Do.
16 through 24. Nine Americans, hostage	June 1976	Air France Flight 139 hijacked from Tel Aviv to Paris.
25. Francis Meloy, killed	June 1976	United States diplomats shot to death in Lebanon.
26. Robert Waring, killed	do	Do.
27. Zohair Moghrabi, killed	do	Do.
28 through 29. Two Americans, wounded	March 1976	Casualities of arson attack on Park Hotel in Netanya, Israel.
30. One American, killed	November 1975	Killed in bomb attack in Jerusalem.
31. Herman Huddleston, kidnapped	October 1975	Kidnapped by armed Palestinians in his Beirut home.
32. Charles Gallagher, kidnapped	October 1975	Kidnapped in East Beirut.
33. William Dykes, kidnapped	do	Do.
34 through 36. Three Americans, kidnapped	August 1975	Occupied and held hostages at U.S. Embassy in Malaysia.
37. Mark Katz, wounded	July 1975	Bomb attack in Jerusalem.
38. Deborah Levine, wounded	do	Do.
39. Col. Ernest Morgan, kidnapped	June 1975	Kidnapped in taxi in Beirut.
40. Dejean Replogle, wounded	December 1974	Casualty of bomb attack on bus in Jerusalem.
41. Cleo Noel, killed	March 1973	Noel, U.S. Ambassador to the Sudan and Moore, the Deputy Chief of Mission were assassinated.
42. George Moore, killed	do	Do.
43. David Berg, killed	September 1972	Munich massacre victim.
44 through 59. 16 Americans, killed	May 1972	Terrorists open fired at passengers at Lod Airport, Tel Aviv.
60. Joseph Kennedy, hostage	February 1972	Lufthansa flight 649 from New Delhi to Athens was hijacked.
61. One American, killed	January 1972	Killed in machinegun attack on car in Gaza strip.
62. One American, hostage	August 1971	Detained dependent of U.S. Dept. of Defense officer in Beirut.
63 through 67. Five Americans, wounded	September 1971	Wounded in grenade attack in Jerusalem.
68. John Stewart, kidnapped	September 1970	Kidnapped in Amman.
69. Sgt. Ervin Graham, hostage	September 1970	Hijacked TWA flight to Jordan.
70 through 72. Three Americans, hostage	September 1970	Hijacked Pan Am flight to Jordan.
73 through 75. Three Americans, hostage	September 1970	Hijacked Swissair flight to Jordan.
76. One American, hostage	July 1970	Olympic Airways flight from Beirut to Athens hijacked over Rhodes.
77. Maj. Robert Perry, killed	June 1970	Shot to death in Amman.
78 through 79. Two American women, raped	do	Broke into and looted the homes of U.S. officials in Amman, Jordan. Raped officials' wives.
80 through 87. Eight Americans, hostage	do	Armed takeover of two hotels in Jordan.
88. Morris Draper, kidnapped	do	Held hostage for 2 days in Amman, Jordan.
89. Cpt. Robert Potts, wounded	do	Shot and wounded at roadblock in Amman, Jordan.
90. Mrs. Robert Potts, wounded	do	Do.
91 through 96. Six Americans, killed	February 1970	Bombed Swissair flight.
97 through 98. Two Americans, wounded	June 1969	Street bombing in Jerusalem.
99 through 100. Two Americans, wounded	August 1968	Grenade attack in Jerusalem's Jewish section.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. 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. GRASSLEY. 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. GRASSLEY. Mr. President, I rise because I am a cosponsor of the Helms amendment. I feel very strongly about this issue. I have been involved in antiterrorism legislation in the past. There is no doubt that the U.S. Government has a strong antiterrorism policy. But on occasion, a particular activity may conflict with our policy to combat terrorism. That is the case with the recent elevation of the dialog with the PLO.

This amendment gives some guidance to the State Department in defining the scope of the dialog with the PLO, so that it comports with our antiterrorism policy.

So I offer my support to this amendment, and I congratulate Senator HELMS for his leadership. This amendment very simply is about one thing and one thing only; that is, terrorism and our actual response to that terrorism.

Last December a decision was made to enter into discussions with the Palestine Liberation Organization. Seven months later we have nothing to show for dialog according to, not CHUCK GRASSLEY, but our Assistant Secretary of State John Kelly. But we are persisting, however, with the dialog, and we happen to be raising that dialog to higher levels within the PLO.

Now, the PLO is being represented by individuals involved in some of the most heinous terrorist acts the world has seen, and we simply cannot tolerate that.

So this amendment does nothing more than reaffirm that antiterrorism policy already established by this administration and the previous administration. What we have said in that policy, time and time again, is that we will not negotiate and we will not forgive terrorists. When our citizens are injured, kidnaped, and murdered, that policy says we will not forget.

Last November a report was issued by then Vice President George Bush called "Terrorist Group Profiles." That is this publication—holding up book—that then Vice President Bush and now President Bush was instrumental in publishing.

This report was issued to inform the public as to who the terrorists are and what these terrorists have done. It is a report that runs, Mr. President, more than 130 pages long. In his introduction Vice President Bush wrote:

* * * the United States will be firm with terrorists. We will not make concessions. * * * Rewarding terrorists only encourages more terrorism.

That is what Vice President Bush, now President Bush, had to say about terrorism.

Let me share with my colleagues and the American people, as my colleague from North Carolina has already done, some information about those PLO representatives that we are talking with right now in Tunis. Arafat's number two, Salah Khalaf, has his picture in the book "Terrorist Group Profiles." As a leader of Fatah he gets credit for the murder of 11 Israeli athletes in Munich during the 1972 Olympics. One of those murdered was an American-born citizen. Also this person, Salah Khalaf, was responsible for the assassination of our diplomat in the Sudan in 1973. On the same day that we learned of discussions between him and the Ambassador in Tunis, the very same day, the Italian Government had indicted this terrorist for supplying arms to the Red Brigade.

I ask my colleagues: Do we expect the American people to have collective amnesia? Are we as a result of our talks with these elements, running an amnesty program for terrorists?

I think the answer to both questions is a resounding no.

We must be faithful to our antiterrorism policies. And that is what the Helms and other amendment does.

We have lost many American lives to terrorist acts: Robert Stethem, the Navy diver; Cleo Noel, our Ambassador to the Sudan; Leon Klinghoffer. Americans remain kidnaped by terrorists, and just last week seven Americans were injured by a terrorist act in Israel, an act which had the public approval of Arafat and his followers. I am referring to the Israeli bus forced off the road, leaving 14 dead. We mourn those who died, regardless of their nationality.

As President Bush wrote in this publication last November, and I quote: "* * * terrorists are criminals who attack our cherished institutions and profane our values."

We simply cannot elevate terrorists to diplomats. For it does a disservice to the memories of those who have given their lives, and it dashes the hopes of the families who still have kidnap victims.

This amendment invokes a principal routinely used in courts of equity. One must come to that court with clean hands. That is the message to the PLO—that we will not talk to those who have blood on their hands.

The signal has to be sent from the Senate to the PLO, and also to the State Department, that we remain committed to our antiterrorism policy.

After all, what does that policy mean when we say to the world we are against terrorism, we are not going to deal with terrorists, and yet some of the very people we are talking to are those who are responsible for the murder of Americans?

The answer: It does not send a very clear signal. So through this amendment we are saying nothing more or nothing less to the administration, to the State Department officials—both political appointees and career diplomats—who are no doubt well intentioned and dedicated public servants. We are telling them to be mindful of our antiterrorism policy, in daily activities as well as in policy and strategy sessions. Don't compromise with terrorists and don't concede 1 inch to terrorist activity, I don't think this is being followed in Tunis today. We need to stick by that principle to send that clear signal, and this amendment will do just that. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

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

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

AMENDMENT NO. 270 TO AMENDMENT NO. 269

(Purpose: To prohibit negotiations with terrorists responsible for the murder, injury or kidnapping of an American citizen)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 270 to the Helms amendment No. 269.

In the pending amendment, strike all after "authorized" and insert in lieu thereof: ", except that no funds authorized to be appropriated in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.".

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I think the amendment speaks for itself, and it underscores what I stated earlier. Our Government has a very clear-cut policy designed to combat terrorism.

I can't say it any better than President Bush said in his capacity as Vice President and head of the Task Force on Combatting Terrorism. First, we will be firm with terrorists. Second, we will pressure states which sponsor terrorism. And finally, we will bring terrorists to justice.

Now, that is a clear policy. But I don't see that it is being followed in Tunis. Our diplomats are meeting with representatives of the PLO, who are not in any stretch of the word moderates. Our goal should be to seek out the moderate elements within the PLO. But moderates are not emerging. Rather, as the PLO dialog has been elevated, it is including well known terrorists, such as Abu Iyad.

We have to do something about that now. Only then will our Government send a message to the American people and the rest of the world, that we are really sincere in our efforts to get terrorism under control, to combat it effectively, and to bring terrorists to justice. This amendment, including my perfecting amendment, I think, does that job very clearly.

Mr. President, I am completed.

I yield the floor.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 271

Mr. MITCHELL. Mr. President, I ask unanimous consent to lay aside the pending amendment and to consider an amendment which I now send to the desk on behalf of myself and Mr. DOLE.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself and Mr. DOLE, proposes an amendment numbered 271.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

POLICY TOWARD ADDITIONAL SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA

(a) IN GENERAL.—The Senate hereby—

(1) condemns the Government of the People's Republic of China for carrying out massive arrests and numerous executions of students and workers who participated in the prodemocracy movement in that country;

(2) commends the President for taking additional measures against the Government of the People's Republic of China in response to those arrests and executions; and

(3) urges additional measures be taken against the Government of the People's Republic of China to discourage additional arrests and executions.

(b) ADDITIONAL MEASURES.—It is the sense of the Senate that—

(1) the Export-Import Bank of the United States should immediately postpone approval of any application for financing United States exports to the People's Republic of China;

(2) under the direction of the Secretary of the Treasury, the United States executive directors of the appropriate international financial institutions should oppose the extension of loans or any other financial assistance by such institutions to the People's Republic of China;

(3) the President should immediately review—

(A) the advisability of continuing to extend most-favored-nation (MFN) trade treatment to Chinese products;

(B) all bilateral trade agreements between the United States and the People's Republic of China;

(C) the bilateral commercial agreements governing Chinese-American cooperation on satellite launches; and

(D) the Chinese-American Agreement for Cooperation on the Peaceful Uses of Atomic Energy, signed at Washington on July 23, 1985; and

(4) the President should consult—

(A) with the allies of the United States at the upcoming Economic Summit regarding the feasibility of adopting a collective eco-

nomic response to the recent, tragic events in China;

(B) with Members of the Coordinating Committee on Exports to Communist Countries (COCOM) regarding the suspension of any further easing of export controls with respect to China and for the purpose of reviewing the current favorable treatment accorded to high technology exports to the People's Republic of China; and

(C) with the other signatories of the General Agreement on Tariffs and Trade (GATT) for the purpose of reviewing the People's Republic of China's observer status at meetings on GATT and reassessing the People's Republic of China's right to accede to GATT.

(c) HUMAN RIGHTS.—

(1) The President should emphasize to the government of the People's Republic of China that an important factor in our relationship will be the degree to which they recognize the Chinese and Tibetan peoples' legitimate desires for democracy, human rights and simple justice.

(2) It is the sense of the Congress that:

(a) The President should ask the United Nations Commission on Human Rights to initiate an investigation into the condition of human democratic rights in China including Tibet; and that

(b) the President should convey to the Government of the People's Republic of China that the lifting of martial law, the release of political prisoners, and the opening of Tibet to foreigners is a critical factor in the future improvement of relations.

(c) Towards Hong Kong the President and the Secretary of State should convey to the People's Republic of China the importance of living up to its international undertaking with respect to the 1984 Joint Declaration for the future prosperity and stability of Hong Kong. The Secretary of State should advise the United Kingdom of the United States continuing concern about the absence of guarantees of free direct elections and human rights in the Joint Declaration.

(d) SUSPENSIONS.—

(1) OVERSEAS PRIVATE INVESTMENT CORPORATION.—The Overseas Private Investment Corporation shall suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China for a period of six months from the date of enactment of this Act unless the President makes a report under subsection (e) of this section.

(2) TRADE AND DEVELOPMENT PROGRAM.—The President shall suspend the use of any funds made available to carry out, section 661 of the Foreign Assistance Act of 1961, for activities of the Trade and Development Program with respect to the People's Republic of China for a period of six months from the date of enactment of this Act. Unless the President makes a report under subsection (e) of this section.

(3) MUNITIONS EXPORT LICENSES.—The issuance of licenses under section 38 of the Defense Trade and Export Control Act for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall, subject to the subsection (e), continue to be suspended unless the President makes a report under subsection (e) of this section.

(4) CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.—The issuance of any license under section 6(k) of the Export Administration Act of 1979 for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (e) of this section.

(5) EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China, whose export is subject to section 36(c) of the Arms Export Control Act on September 12, 1988 shall be suspended unless the President makes a report under subsection (e) of this section.

(6) NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.—(A) Any—

(i) application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended.

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57 b. (2) of the Atomic Energy Act of 1954 shall not be given,

until—

(I) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

(II) the President has made the certifications and submitted the report required by Public Law 99-183; and

(III) the President makes a report under subsection (e) of this section.

(B) For purposes of this paragraph, the term "Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985.

(7) LIBERALIZATION OF EXPORT CONTROLS.—The President shall negotiate with the governments participating in the group known as the Coordinating Committee to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979, including—

(A) the implementation of bulk licenses for exports to the People's Republic of China; and

(B) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required. The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (B), until the end of the 6-month period beginning on the date of enactment of this Act, or until the President makes a report under subsection (c) of this section, whichever occurs first.

(e) TERMINATION OF SUSPENSIONS.—A report referred to in subsection (d) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the entire country, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national interest of the United States to terminate a suspension under paragraph (1), (2), (3), (4), or (5), to terminate a suspension or disapproval under paragraph (6), or to terminate the opposition required by paragraph (7), as the case may be.

(f) APPLICABILITY OF SUBSECTION (d)(3).—The suspension set forth in subsection (d)(3) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(g) REPORTING REQUIREMENT.—It is the sense of the Senate that, 30 days after the date of enactment of this Act, the President should inform the Congress of—

(1) the results of his review of the bilateral relationship between the United States and the People's Republic of China and of his consultations with the major allies of the United States regarding each ally's economic, commercial, and security relations with the People's Republic of China, as called for by Senate Resolution 142 (adopted June 6, 1989); and

(2) his actions pursuant to subsection (c).

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 10 minutes of debate on this amendment equally divided following which there be a vote on the amendment.

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

Mr. MITCHELL. Mr. President, for the information of Senators then there will be a rollcall vote on this amendment in 10 minutes. That is at approximately just after 1:35 p.m., and that will be the last rollcall vote today.

The Senate will continue consideration of this matter on Monday. There will be no rollcall votes on Monday.

There will be rollcall votes beginning Tuesday morning, one having already been ordered for Tuesday morning.

That is for the benefit of Senators planning their schedules for the weekend.

Mr. President, I further ask unanimous consent that there be no amendments in order to the now-pending Mitchell-Dole amendment.

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

Mr. MITCHELL. Mr. President, this amendment which Senator DOLE and I are offering today is intended to express to the Government of China the concern which the American people feel about the continuing persecution of Chinese students and workers who support the prodemocracy movement. This amendment commends the President for the measures he has taken to impress upon the Government of the People's Republic the need to cease the arrests and execution of Chinese citizens whose only offense is their desire for an open democratic society.

I believe that the time has come for the United States to speak out more strongly about the continuing abuse of human rights in China.

Accordingly, this amendment imposes additional sanctions against the Government of the People's Republic in the hope that these sanctions will require the President to immediately review several commercial and technical programs currently in effect with the Chinese Government. It requires him to consult with our allies regarding the feasibility of adopting a collective economic response to the recent events in China. And this amendment calls on the President to emphasize to the Chinese Government that until they recognize the Chinese people's legitimate desire for democracy, human rights, and justice, that relations between our two countries will remain strained.

This amendment requires the President to suspend certain trade programs and economic agreements with the People's Republic, as well as requiring termination of some export licenses. But at the same time it gives the President the flexibility to cease any suspension or termination required by the amendment, if he finds it in the security interest of the United States to do so.

Mr. President, I hope that my colleagues on both sides of the aisle will support this action to send a clear signal to the leaders of the People's Republic of China that the American people stand firmly behind the democratic principles which the majority of the Chinese people so earnestly desire and are so courageously working to achieve.

Mr. DOLE. Mr. President, I will just take about 2 minutes.

Mr. President, it has now been some 6 weeks since the shame of Tiananmen Square. In that period, our Government and governments around the world have expressed their outrage in many ways.

President Bush has spoken forcefully, and the Senate has acted on a number of resolutions. As recently as this Tuesday, we passed, by a vote of 97 to 0, an amendment to the immigration bill, ensuring that Chinese students in the United States would not be forced to return to near certain persecution in their homeland.

Despite all of these acts, the Chinese have shown little signs of relenting. As recently as today, there are press reports of one Chinese worker being sentenced to 10 years imprisonment for the "crime"—and that is in quotes—of talking to an American television reporter about the events in Tiananmen Square.

I believe there is strong sentiment in this body, and in this country, for us to turn up the heat another notch; to raise the cost to the Chinese of their reckless and repressive policies; to try to make the Chinese leadership understand that we are still sliding down a very slippery and dangerous slope, at the bottom of which lies a severely damaged bilateral relationship.

Mr. President, this bill, in its substantive sections, very closely tracks with the legislation passed recently and unanimously by the House. It imposes some additional economic sanctions on the Chinese, as the majority leader has indicated. It also allows the President to waive imposition or continuation of those sanctions, if he determines that it is in the national interest of the United States to do so.

I am informed that the administration—while it is not exactly jumping up and down with glee that we might pass this legislation—believes it can live with this Senate action. It is my hope, in fact, that Senate passage will give the President and the administration a stronger and more credible hand to play in their dealings with Beijing.

Mr. President, on this issue as on every other important foreign policy issue, we as a country speak more strongly and effectively when we speak in one, nonpartisan voice. This is a bipartisan amendment; I hope and believe it will receive overwhelming support. And I hope, finally, that the Chinese leadership will listen—not only to what we are saying but, far more important, to the voice of their own people.

Mr. President, I think it is a good step. It may not be the last step, but it is a step. I urge my colleagues on this side of the aisle to support the legislation.

I yield any remaining time that I have to the Senator from North Carolina.

Mr. HELMS. Mr. President, I enthusiastically support the package of economic sanctions on Communist China.

Mr. President, the U.S. Congress should pass these sanctions for at least three reasons:

First, we must demonstrate our revulsion at the brutal oppression imposed on those freedom-loving Chinese students whose aspirations—and in many cases whose bodies were crushed in the Communist crackdown on June 4.

Second, we have an obligation to those who yearn for liberty in China, and other countries suffering under the tyranny of communism. If we do nothing, we will be aiding their enemies—the unrepentant Stalinists in Cuba, Vietnam, Nicaragua, and Eastern Europe who will conclude that after the killings stop, there will be a short period of complaints for the West, followed by oppressive business-as-usual.

Third, we should be responsive to the surviving democracy leaders. I have at hand an open letter delivered in Paris on Wednesday to 30 heads of state. The letter, from the top leadership of the Chinese democracy movement, that is those who were not killed or arrested, calls for the Free World to impose economic sanctions.

Mr. President, the prodemocracy forces in Red China have paid the price of liberty. They have earned, they deserve, and they must have our support.

Mr. WILSON. Mr. President, we are about to vote on an amendment that I think is one to be applauded, one that is necessary. We have, I hope, provided a model to our allies, to our trading partners as well as our security partners, that we simply cannot engage in business as usual in the face of the conduct of the Government of the People's Republic of China and its brutal repression of students and other members of the Chinese population who have sought no more than what Americans consider to be their birthright. It is not a birthright for the Chinese, nor indeed for too many other peoples in the world.

But what we have seen in Beijing has rightly excited disbelief; it has excited our sympathy for the victims of that brutal repression, those who subsequently have been arrested, tortured, and executed. It is not sufficient that we merely express dismay.

It is right that we make clear that we cannot engage in business as usual. This Mitchell-Dole amendment is right and necessary because unhappily a great many of our trading partners are seeking to do just that.

Briefly, they condemn what they will term the excesses of the Beijing Government, but in the next minute we find that they are rushing back into China, eagerly engaging in business.

Mr. President, I think we need to make clear, as we have over decades with the Soviet Union, we will not look the other way, we will not simply chide briefly and then move on.

It is essential that the civilized world focus upon what has happened and

that an ongoing sustained objection be heard not just rhetorically but in the form that will have some tangible impact upon that government.

It is not my wish nor the wish of anyone on this floor to penalize the people of China. Rather, it is our wish to assist them in their quest for freedom by making clear to their government that they cannot engage in that kind of conduct, except at great cost.

They have already suffered cost in terms of their credibility in the international community. But it is also very clear that given the choice between Western economic modernization, however, much they may desire that, and political control, in the rigid, brutal fashion that they have imposed it, they have chosen control.

Notwithstanding that clear choice, Mr. President, I do not believe we can simply say either, Well, that is unfortunate, but what can we do about it, or that we really should simply engage in business as usual.

It seems to me that we are right in going so far as to say to the President of the United States, "Consider very well, Mr. President, whether China should continue to receive most-favored-nation treatment. Consider whether or not they should have access to GATT. Consider whether or not we can, in short, simply continue to do business as usual."

It is interesting to me that we have seen Chinese students in the United States demonstrating here, demonstrating to express their support for their brothers and sisters in Tiananmen Square. It seems to me that those very same students, and a great many more, American students, not just of Chinese ancestry but of Japanese ancestry perhaps should be demonstrating in front of the consulates and Embassies of Japan and those of other trading partners who have shown no reluctance to rush back into China notwithstanding the tongue clucking that they may have done, expressing their dismay at the kind of repression that has been the regime in Beijing.

Let me say as well that I think that we need not only to express as is stated in the Mitchell-Dole amendment before us that we are serious and that we intend to sustain this kind of pressure, both moral and economic, but it is necessary as well that we take the kind of action that we did the other day in both the Mitchell-Dole and the Gorton amendments to S. 358, the Immigration Act of 1989, regarding the visa status of Chinese nationals residing in the United States. It seems to me that it is appropriate that we assure that that treatment provided by these amendments be guaranteed, and if need be, if we find that the immigration bill is uncertain of passage, as I suspect it may be, that a proper amendment to this bill before us now would be the very same Gorton amendment as we attached to the immigration bill because the situation, very simply stated, is that the existing circumstances in which Chinese students find themselves in America is one intended to give them comfort, but it does not give them the kind of longer term certainty that they actually require, that I believe that we should assure them.

What we have seen now is that the Attorney General, Mr. Thornburgh, has indicated that if visas expire we will not in the normal course seek deportation of those who would then be here in an illegal status. What the Gorton amendment did was to see to it that regardless of visa expiration, through June 1993, those Chinese students who choose to may remain here in the United States, that they may in fact become temporary residents which will ultimately place them on the path to permanent residency and citizenship.

It seems to me that that is what we ought to be guaranteeing these students because under the scenario as it presently exists, as it has been offered by the Attorney General, it is not really good enough to say, "If you make clear, if you manifest your unwillingness to return to China, we will not send you back." And for very obvious reasons, Mr. President, because the manifestation of that unwillingness may prove perilous to family and to relatives who are in the PRC.

We all know that the Chinese consulate in Boston had sent out people to videotape demonstrators, those Chinese students demonstrating in Massachusetts.

It seems to me that the greater protections afforded by the Senate the other day in the adoption of the Gorton amendment to the immigration bill is something that we should attach as well to this legislation which has a better path, a better opportunity to become law and more rapidly, I would hope.

So I will seek out the distinguished majority leader and the Republican leader and urge them to put this same legislation upon this bill.

We must do that, Mr. President, because it seems to me that we have an obligation and the Senate in particular has a special obligation because of our special charge under the Constitution and the fact that we do deal with foreign policy situations in the way that the House does not. It is our obligation on behalf of the American people not simply to express moral outrage, but to take necessary action to make that tangible to those who have outraged our sensibilities and, beyond that, to give real protection to those who happily within our shores now seek to remain here and not return to a land in which they will be immediately placed in great jeopardy.

I have expressed my intention. I hope my colleagues will join in my exhortation to see to it that we afford these protections by adding the Gorton amendment to the State authorization bill as well.

I thank the Chair and yield the floor.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. MITCHELL. I yield back the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of Illness.

I also announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of attending memorial service.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "yea."

Mr. DOLE. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. DANFORTH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 10, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—81

Adams	Gorton	McConnell
Baucus	Graham	Metzenbaum
Bentsen	Gramm	Mitchell
Biden	Grassley	Moynihan
Bingaman	Harkin	Murkowski
Boschwitz	Hatch	Nickles
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Heinz	Pell
Burns	Helms	Pressler
Byrd	Hollings	Pryor
Coats	Humphrey	Reid
Cohen	Inouye	Riegle
Cranston	Johnston	Robb
D'Amato	Kassebaum	Rockefeller
Daschle	Kasten	Roth
DeConcini	Kerrey	Sanford
Dixon	Kerry	Sarbanes
Dodd	Kohl	Sasser
Dole	Lautenberg	Shelby
Domenici	Leahy	Simon
Exon	Levin	Symms
Ford	Lieberman	Thurmond
Fowler	Lott	Wallop
Garn	Mack	Warner
Glenn	McCain	Wilson
Gore	McClure	Wirth

NAYS—10

Bond	Conrad	Specter
Boren	Durenberger	Stevens
Chafee	Lugar	
Cochran	Rudman	

NOT VOTING—9

Armstrong	Danforth	Matsunaga
Bumpers	Jeffords	Mikulski
Burdick	Kennedy	Simpson

So the amendment (No. 271) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HEINZ addressed the Chair.

AMENDMENT NO. 270 TO AMENDMENT NO. 269

The PRESIDING OFFICER. The pending question is Amendment No. 270, offered by the Senator from Iowa, to amendment No. 269, offered by the Senator from North Carolina.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, as soon as the Xerox machine outside finishes its excellent work, I will be distributing to the majority and minority a copy of an amendment that I believe they will find has, in fact, been cleared with almost everybody who has any remote interest in the subject, and then it would be my intention to ask the Senate to lay aside the pending Helms amendment and the amendments thereto in the interest that we might have a brief discussion of my amendment and adopt it.

I cannot conceive of any circumstances under which it would be subject to a record vote, and if it were to be, I would not ask the Senate to get tied up in that, and I would reserve the right to withdraw it.

I might ask, are there any reservations about temporarily laying aside the Helms amendment for this purpose? So that people are clear on the amendment that I am talking about, it is an amendment on which we have worked very carefully with the members of the staff on both sides of the Foreign Relations Committee, the Treasury Department, the World Bank, and with numerous nongovernmental organizations in this country and elsewhere to encourage the establishment of better environmental protection for international support of programs for such things as sustainable development, pollution prevention, environmental protection, and debt reduction that might be linked to any or all of the above.

So, Mr. President, with that preamble, I ask unanimous consent to set aside the pending amendment so that I might offer this amendment.

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

Mr. HEINZ. Mr. President, what I think I will do is to discuss the amendment, as I say, rather briefly, and then I will send it to the desk.

Let me state at the outset that the legislation that I will be sending to the desk complements a very excellent provision in title 6 of this bill that has to do with global environmental protection. That provision was developed by Senators BIDEN, LUGAR, PELL, and others.

This amendment, which I offer for myself and Senator WIRTH, does a number of things. It mirrors the pending bill's effort to provide the Agency for International Development [AID] with authority to support debt reduction agreements between nongovernmental organizations, those especially that are in developing countries and the host country, in order to further conservation. My amendment does not change, I hasten to add, any of the language that is now in the title VI of this bill. I do fully support the provisions that are in this bill.

Mr. President, we all are familiar with the enormous burden of debt on developing nations. It is estimated at $1.3 trillion. It is obviously placing ever greater emphasis on the short-term use of resources in order to gain very badly needed foreign exchange. As a result, these countries are often in a position of taking very short-term actions that have very high long-term costs. The result is the overexploitation of fragile ecosystems which in turn destroys the very resources that these nations need for future growth. These same ecosystems, particularly tropical forests, are quite literally the lungs of the Earth and key to diversity of life.

Earlier this year, Senator WIRTH, Senator GORE, Senator SHELBY, myself and several House Members as well, had the privilege to take a trip to Brazil to visit the rain forest in the Amazon, and what we found is that after talking with experts in Brazil there is very high risk that in clearing the rain forest, or even a substantial portion of it, as little as 20 to 30 percent, they may already be setting the stage for its complete destruction.

The reason that is so is the rain forest acts like a giant series of transfer reservoirs. Moisture comes in on the western side of the continent, over the Andes, drops, it is absorbed, it is transpired back into the atmosphere and moisture slowly leapfrogs its way going up as fog and down as rain in the next patch of rain forest all the way across the Amazon plain, which is vast—thousands of miles wide and thousands of miles from top to bottom.

There is already evidence in one heavily deforested area of Brazil, the State of Rondonia, that as much as 40 percent of the rain forest has already been cleared for pasture, that the hydrological cycle which I have just described has been interrupted with the result that the rain forest on the eastern side, if you will, the downwind side of the hydrological cycle is drying out and is in itself dying and will by itself turn to desert.

The consequences of that are not just bad for the rain forest—obviously, catastrophic for the rain forest—but what will happen to the rest of Brazil, although it is understood by many Brazilian scientists, is largely not appreciated by many of the other people in Brazil. That is, when this hydrological cycle is wiped out or annihilated, the moisture which used to travel across and was absorbed and retranspired by the Amazon will no longer be going out over the Atlantic Ocean where it then goes south and is carried in to southern Brazil to their good agriculture areas and in the form of rain that is the principal source of irrigation of Brazil's good agricultural lands.

The reason I point that out is to put in very specific terms just why the cutting down of what is seemingly to people in either Brazil or the United States small amounts of a vast rain forest ultimately and in very short order—people estimate we only have a few years left, maximum seven to save that rain forest—will be catastrophic not just for the rain forest but for the rest of Brazil. That they, instead of being largely self-sufficient in food, will become, for example, dependent on other sources, if there are other sources.

That, obviously, is taking the short-term view and putting one's self in the position of having to absorb a devastating, long-term blow and cost.

Obviously, that is a good example, at least I think it is a good example, of why the destruction of rain forest does more than to imperil the long-term economic growth of developing nations, but of course there is a very real penalty, even a threat to the rest of the planet because as the rain forest disappears, the ability to absorb carbon dioxide and to moderate the effects of global climate change obviously disappear with it.

To give you an idea of how fast that rain forest is disappearing, I come from the State of Pennsylvania. It is a very large State. We have the largest rural population in the entire United States. We are called the Keystone State. We have 11½ million Pennsylvanians. We have great cities like Philadelphia and Pittsburgh. Each year an area of rain forest equal in size to my home State of Pennsylvania is cleared, is slashed, burned, and devastated. Every minute a piece of tropical rain forest, every 60 seconds a piece the size of 10 city blocks vanishes. It is no surprise, therefore, that the kind of devastation and climate change effect both locally in Brazil and worldwide that we are talkng about is happening at a very rapid pace.

It is my view, Mr. President, that destroying tropical forests makes just about as much sense as putting the torch to a library of very rare books. In fact, they are so rare that you are torching a library of unique books, single edition books that are literally irreplaceable.

I make that comparison because the rain forests literally are the genetic library of this planet. Only 2 percent of the species in our rain forests have even been classified, let alone been fully understood, while yet 40 percent of the medications that are used daily in the world in fact come from natural sources, particularly those which thrive in rain forests. For example, one of the most recent blood pressure medications comes from the bushmaster snake whose venom, when injected by the bushmaster, is fatal because it lowers your blood pressure to zero. But in an attenuated form it is one of the best blood pressure management medications that has ever been developed.

There are literally dozens upon dozens of examples of how we as human beings have benefited from the rain forests but there are hundreds, perhaps thousands, of opportunities yet undiscovered which will be lost, of course, if this situation is not reversed.

Mr. President, I am aware, I think we all are, that Third World nations and tropical climates often cannot support their own development. Nearly 90 percent of their capital investment comes from either private lenders or multilateral banks such as the World Bank, the Inter-American Development Bank, the African Development Bank. Too often the aid provided by these banks has been environmentally destructive, not intentionally so, but nonetheless so. For example, roads have been built. And we saw some of them. Route 364 through Rondonia, being a specific example, was built to facilitate transport but has also facilitated the destruction of tropical rain forests.

Dams have been constructed which have flooded irreplaceable lands, and there are literally books upon books on this subject about what has happened. They document a very sad chapter in the destruction of this planet.

The amendment that I am offering, cosponsored by Senator WIRTH, has been developed with the help and support of a number of people: The Nature Conservancy, for one; the National Wildlife Federation, for another, and the Audubon Society, working with the Treasury Department for another, and what that amendment would do is direct the U.S. executive directors at the multilateral development banks to develop, first, environmental departments at each bank.

That is very important because there needs to be a focus of responsibility for undertaking the environmental and resource conservation programs including most specifically programs to promote sustainable development and debt for nature exchanges, and to develop and monitor strict environmental guidelines and policies to govern lending activities.

Further, in our amendments, the United States is directed to negotiate with other bank member nations to promote policies which reduce developing nations' debt burden, and to simultaneously support sustainable developmental policies in those nations.

The amendment also provides the definition of sustainable development which we have developed with experts at the Smithsonian, environmental organizations, and my colleagues on the committee. I might add that the purpose of this definition is to guide the administration of these programs so that they in fact support sustainable development programs.

Mr. President, let me make one other comment about Senator WIRTH's and my amendment because it really does a number of things for the very first time ever that I think are very important things, that I want my colleagues to be aware of, and which I think my colleagues would agree very much needs to be done.

It is literally true that we have never on any occasion previously directed our representatives at these multilateral development banks to take this kind of very specific environmental action. First, to encourage debt reduction linked to environmental improvements; second, to facilitate debt for nature exchanges; third, to establish environmental guidelines for developmental lending; and to preferentially encourage the reduction of debt for nations which pursue sustainable development policies.

In addition those same departments would further encourage debtor nations to collaborate with local nongovernmental organizations when implementing such sustainable development programs.

Another first we think for our legislation is what we have done in establishing a set of guidelines in order to determine which set of policy choices would in fact meet the goal of sustainable development. Sustainable development is kind of like motherhood. It is something that we all revere. It is something that I think most of us are all for but unlike motherhood, which is subject to a very simple test—I am told we used to use a rabbit for it. Now it does not take as long. Nobody has ever attempted to set very clear guidelines for what we mean by that term "sustainable development." Our amendment does so based on information provided not only by the Foreign Relations Committee, but also by the Treasury Department, environmental organizations, the scientific community, and the Smithsonian.

I point those particular elements out because it is our view that this legislation is really quite historic, that it is a significant step forward, marching in order, and forward in unison with those organizations that have the best interests of these developing nations at heart.

This is clearly the mission of the World Bank. It is the mission of the African, Asian, and Inter-American Development Banks. And the people at those banks—and I have talked to virtually all of them—agree with the kind of emphasis we are asking our directors at these institutions to promote, to work very hard with other directors of those banks to promote things that are fundamentally sound, that they are pointed in the right direction, and if implemented, can make a very real difference not only in the quality of life in those countries but in the sound economic posture of those countries, and therefore the rest of the world.

Obviously, all of us who are concerned about having an environment that is going to support life on this planet—are going to benefit from improved environmental management in these less-developed countries.

So on that note, Mr. President, I yield the floor to my friend and colleague from Colorado [Mr. WIRTH].

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President.

I would first like to commend my colleague, Senator HEINZ, for looking ahead, seeing this piece of legislation developing and crafting this important amendment which I believe is complementary to what the committee wants to do.

We realize, Mr. President, that this amendment will not be acted upon today because there are two, three, or four Senators who would still like to look at it, but I hope after reviewing it over the weekend they will understand the importance and thrust of the amendment, and will join with us in adding this to the State Department authorization bill.

Senator HEINZ thoroughly and accurately described the thrust of the amendment and the rationale for the amendment. This really grew out of a quite remarkable trip that he, Senator GORE, Senator SHELBY and I shared in the Amazon this last winter. To fly over the Amazon and see this remarkably beautiful green living item, is to understand, as we did, the remarkable importance of this area for water cycles, the development of oxygen, and perhaps most importantly of all, the rich biological diversity that is available. These facets of the rain

forest have been described to so many of us so well by Tom Lovejoy down at the Smithsonian, and in E.O. Wilson's new book on biodiversity called "Biophilia." This journey emphasized the richness that is there, and the importance of working with the Brazilians and others, to understand the resource they have available.

To destroy the Amazon is to commit act after act after act similar to the destruction of the great library in Alexandria. Yet it is worse than that. We are doing the equivalent of that destruction every day as we destroy the biological diversity of the rain forest.

The question is how to get at it. We in North America cannot go down and say do not destroy the rain forest. The Brazilians, as President Sarney said to us, "* * * don't want the Amazon to become a green Persian Gulf"—an interesting metaphor, a perfectly legitimate thing to say. "We do not want all kinds of foreigners," said they, "telling us what to do." It is our Amazon and their Amazon. It is their rain forest, not ours. In addition, I should say as a sidebar, Mr. President, it is remarkable how many people think that we in the United States can tell other people how to manage their rain forests, when in fact what we are doing right now is tearing down the last great rain forest in North America as we wantonly rip down the Tongass rain forest in southern Alaska. Here we are the pot calling the kettle black—a very interesting thing for us to do. We have to set an example. End of sidebar.

The important thing is that we have to work with the Brazilians, and others in the area of Amazonia, others in rain forest areas around the world, to look at the rich and valuable resources that exist in these regions. That is the objective of this amendment. One of the important ways in which we work with and encourage, as Senator HEINZ pointed out, sustainable economic development, in which we encourage the understanding of the resources available in the rain forests, is to work with our financial institutions.

We have a great deal of leverage in terms of helping the Brazilians and others, if we use the opportunity of debt swaps and debt reduction. This extraordinary weight of debt that sits on top of so many countries makes it, first, impossible for them to continue the economic growth that we want to see there. Second, it makes it impossible for them politically to deal with the situation if they have to say we have to pay back Chase Manhattan Bank or the World Bank or Interamerican Development Bank. They simply do not have the resources to do the kinds of things in the management of the rain forests that they ought to do.

So what is the purpose of this amendment? First of all, the amendment directs the U.S. representatives to the multilateral lending institutions to seek funding for debt swaps and debt reduction for the purposes of environmental conservation in debtor nations. Negotiate debt reduction for the purposes of encouraging sustainable economic development. If we can develop ways in which to reduce the debt and use that debt as a way of encouraging sustainable economic development we can craft sound development and sound environmental policies. We are asking international financial institutions to devote attention to that approach. Second, a lot of people do not know how to do debt swaps and debt reduction and think about sustainable economic development. These are relatively new ideas.

It is not as if there is a great repository of information about them. There are a few people who have done them. There are other people who know how to do them well. What we are encouraging is for the World Bank to put together a clearinghouse of information about debt swaps. If people want to do a debt swap, if you are the Ecuadorian Government, and you want to debt swap, who do you go to to do it? If you are Chase Manhattan, who do you go to for expertise? Or a third party organization, who do you go to to encourage, to show them how to do it? That is the second thrust of what we are after, this kind of clearinghouse.

We are encouraging State and Treasury to negotiate with other members of the MDB's on debt servicing and debt reduction. It is a matter of our national policy that we ought to be doing this. That is a third thrust of the bill.

And fourth is to encourage international financial institutions to be creating, within their own structure, environmental units. They have to be understanding what the impact on the global environment is of financial steps that they are taking. In too many cases we are not taking into account the implications, say, of building a road, the implications of a certain kind of power project, implications of other development projects and what the impact of those actions may have on this rapidly changing and, unfortunately, rapidly degenerating global environmental condition.

So the legislation that we have drafted as an amendment, which we realize will not be up today, has four facets. We think it is an important step—these four steps—to negotiate on debt reduction; set up a clearinghouse; third, encourage international cooperation; fourth, encourage the development of environmental units. Those four items are things that we ought to and must be doing. This is not Yankee interference in somebody else's backyard, not sending our patrol boats into their green Persian Gulf, not Yankee telling them what to do, but rather saying there are instruments available to all of us, not only American financial institutions, but those of the European Economic Community, deeply concerned about it. All of us getting together through international financial institutions to provide the wherewithal, technical assistance, the help, to developing countries, faced with this enormous debt burden problem.

In the words of Professor Wilson, "We ought to be prospecting in the rain forest, not tearing it down." We ought to be prospecting for the remarkable wealth that is there, which is going to be the wealth of the future. Example after example has pointed out that the biological diversity that is available ought to be viewed as a resource, rather than viewed just as a fuel to be torn down.

Mr. President, I appreciate having the opportunity to make these remarks about our amendment. Senator HEINZ and I do this attempt to expedite the legislation. I notice the majority leader wants us to move quickly on this, and I agree, and I hope that our making statements and discussing this this afternoon will help us come to a more rapid adoption of the amendment next week.

Mr. President, I thank you and I thank my colleagues. I commend Senator HEINZ for the good work on this legislation.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. What is the pending business?

The PRESIDING OFFICER. The pending question is the amendment No. 270, offered by the Senator from Iowa, to the amendment No. 269, offered by the Senator from North Carolina.

When and if the Senator from Pennsylvania offers his amendment, unanimous consent has been given that these two amendments will be set aside.

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

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 270 offered by the Senator from Iowa to amendment No. 269 offered by the Senator from North Carolina. Previous consent has already been obtained

to consider the amendment offered by the Senator from Pennsylvania.

AMENDMENT NO. 272

(Purpose: To provide international support for programs of sustainable development, environmental protection, and debt reduction)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. WIRTH, Mr. SPECTER, and Mr. WILSON, proposes an amendment numbered 272.

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

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

The amendment is as follows:

On page 103, after line 23, add the following:

SEC. 633. MULTILATERAL DEVELOPMENT BANKS AND DEBT-FOR-NATURE EXCHANGES.

(a) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall direct the United States Executive Directors of the multilateral development banks to—

(1) negotiate for the creation in each respective multilateral development bank, except where the Secretary determines that the provisions of this subsection have previously been met, of a department that will be responsible for environmental and resource conservation, including sustainable development and debt-for-nature exchanges (as described in subsection (b)), and that will develop and monitor strict environmental guidelines and policies to govern lending activities;

(2) seek to provide funds for debt reduction, including but not limited to the purchase of debt on the secondary market; and

(3) report annually to the Secretary on the progress made in implementing this subsection;

(4) shall seek to support, with other Executive Directors of the multilateral development banks, the reduction of the burden of debtor countries' debt service for those debtor developing countries which demonstrate commitment to sustainable development policies.

(b) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTOR TO THE WORLD BANK.—In addition to the provisions of subsection (a), the U.S. Executive Director to the World Bank will support developing debtor nations in exchanging debt for sustainable development projects by promoting a role for the World Bank to act as "an informational agent for debt-for-nature exchanges, and by helping nongovernmental organizations to propose projects and to otherwise access World Bank investments. *Provided further*, that the U.S. Executive Director to the World Bank shall support the use of environmental policy loans from the World Bank, a portion of which may be used for debt-for-nature exchanges.

(c) IMPLEMENTATION OF DEBT-FOR-NATURE EXCHANGES.—(1) Each department referred to in subsection (a) will actively promote, coordinate, and facilitate debt-for-nature exchanges.

(2) Each such department will promote the preservation, protection, and sustainable development of tropical rain forests, renewable natural resources, endangered ecosystems and species in debtor countries by assisting these countries in reducing and restructuring their debt burden. Each such department—

(A) will include environmental considerations in loan agreements that the respective multilateral development bank negotiates with debtor countries;

(B) will assist in provision of funds for debt reduction, including but not limited to the purchase of debt on the secondary market.

(3) Support for debt-for-nature exchanges would be conditioned upon the debtor country providing budgetary resources for use in the preservation, protection, and sustainable development of tropical forests, renewable natural resources, ecosystems and species. The debtor country would be required to use the budgetary resources provided in at least one of the following programs:

(A) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(B) restoration, protection, or sustainable use of diverse animal and plant species;

(C) establishment, restoration, protection, and maintenance of parks and reserves;

(D) development and implementation of sound systems of natural resource management;

(E) development and support of local conservation programs;

(F) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(G) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(H) design and implementation of sound programs of land and ecosystem management; and

(I) promotion of regenerative approaches in farming, forestry, and watershed management.

(4) Each such department will encourage debtor countries to collaborate with local and international non-governmental or private organizations when implementing these programs.

(d) GUIDELINES.—For purposes of policies undertaken by multilateral development banks, as described in this section, and for purposes of debt reduction under section 631, sustainable development shall be considered as a policy which shall—

(1) support development that maintains and restores the renewable natural resource base so that present and future needs of debtor countries' populations can be met, while not impairing critical ecosystems and not exacerbating global environmental problems;

(2) be environmentally sustainable in that resources are conserved and managed and used primarily by the local population in an effort to remove pressure on the natural resource base and to make judicious use of the land so as to sustain growth and the availability of all natural resources;

(3) support development that does not exceed the limits imposed by local hydrological cycles, soil, climate, vegetation, and human cultural practices;

(4) promote the maintenance and restoration of soils, vegetation, hydrological cycles, wildlife, critical ecosystems (tropical forests, wetlands, and coastal marine resources) biological diversity and other natural resources essential to economic growth and human well-being and shall, when using natural resources, be implemented to minimize the depletion of such natural resources, and

(5) take steps, wherever feasible, to prevent pollution that threatens human health and important biotic systems and to achieve patterns of energy consumption that meet human needs and relies on renewable sources.

(e) DEFINITIONS.—For purposes of this section, the term "multilateral development banks" refers to the International Bank for Reconstruction and Development (also known as the "World Bank") the Inter-American Development Bank, the International Development Association, the African Development Bank, and the Asian Development Bank; the term "Secretary" refers to the Secretary of the Treasury except where the Secretary of State is specifically referenced.

Mr. HEINZ. Mr. President, I have no remarks to make on the amendment at this point.

Senator WIRTH and I have already spoken on the amendment. I simply offer it at this point so that it is at the appropriate time the pending business of the Senate.

I believe that is in accord with the wishes of the chairman of the committee, Senator PELL.

Mr. PELL. Mr. President, I thank the Senator from Pennsylvania for his thoughtfulness and I suggest that at this time, if agreeable to him, we lay the amendment to one side.

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

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

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

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the introduction of Senate Joint Resolution 178 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morn-

ing business for not to exceed 1½ hours and that Senators be able to speak therein.

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

MARTYRS FOR DEMOCRACY IN CHINA

Mr. PELL. Mr. President, today I am submitting for the RECORD a second list of members of the Chinese democracy movement who have been arrested.

As I said on June 22 when I introduced my first "Rollcall of Honor," I intend to persist in making the cause of democracy and human rights in China my cause both by submitting the names of those arrested and when possible the identities of their persecutors, providing an rollcall of the honorable as well as dishonorable men and women of China.

These are people whom China's jailers want the West to forget. They are students and workers who spoke out for freedom and justice and are now hunted down by the so-called public security forces. In some cases they are turned in by their own families, terrorized by the Government's antidemocracy propaganda. These martyrs and their cause should not be forgotten.

I ask unanimous consent that the rollcall of honor be printed in the RECORD.

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

ROLLCALL OF HONOR: NAMES OF IMPRISONED CHINESE

Bao Tong, director of the Political Structure Reform Research Center.

Qin Benli, editor in chief of the World Economic Herald, reportedly under house arrest.

Chen Yizi, director of the Institute for Restructuring the Economy.

Zhou Endong, 20, arrested by the Public Security Bureau in Yinchuan City, Niugxia Hui Nationality Autonomous Region.

Zhu Yunfeng, a worker arrested in Fushun City.

Tian Suxin, a worker arrested in Fushun City.

Yang Hong, 36, a reporter of a Kunming paper "Zhonggue Qingnian Bao."

Wu Haizen, 34, a lecturer at Yunnan Education Institute.

Wang Cun, 27, an accountant at the Kunming Jinglong Hotel.

Zhang Jun, a worker arrested in Chuxiong.

Liu Yubin, Zhang Xinchao, Shao Liangchen, Hao Jingguang, workers arrested in Jinan City.

Li Mingxian, a worker arrested in Fushun City, Liaoning.

Xiao Han, arrested in Dalian.

Chen Yang, 22, a student in Beijing's Law University arrested by the Heping District Public Security Sub-bureau.

Zhao Guoliang and Han Yanjun, arrested by the Public Security Bureau in Chifeng City.

Zhang Weiping, a student at Zhejiang Arts Faculty, arrested in Hangzhou.

Zhang Lin, director of the Automonous Union of College Students, in Bengbu City.

Liu Zihou, 33, a worker at the Beijing Aquatic Products Company.

Chen Xuedong, a Nanjing student leader.

Lin Gang, 28, a physics graduate from Beijing University.

Wang Weilin, 19, arrested by secret police.

Ma Shaofang, 25, a student of the Beijing Film Academy.

Li Xiuping, a young woman student leader arrested in Baoding.

Yang Zhiwei, arrested in Baoding.

Wan Xinjin, arrested in Shandong.

Chen Weitung, arrested in Zhangjiakou.

Liu Jiaming, arrested in Zhangjiakou.

Xiong Wei, a student on the "21 Most Wanted List".

Fang Ke, 33, a student at Beijing People's University.

THREE COASTGUARDSMEN DESERVE COMMENDATIONS

Mr. PELL. Mr. President, I want to share with my colleagues the happy news that the Department of Transportation has formally recognized the exceptional work done by three coastguardsmen to contain a recent oilspill in Rhode Island waters.

Transportation Secretary Samuel K. Skinner this week presented the Coast Guard Commendation Medal to Capt. Eric J. Williams III, who commands the Marine Safety Office in Providence, RI.

Secretary Skinner also formally commended Chief Warrant Officer Alan C. Beal, commander of the Castle Hill Station, and Boatswain's Mate Paul M. Krug, chief of the pollution section at Providence.

As one who was on hand to see the excellent work done by the Coast Guard to contain and mitigate the oil spilled from the tanker *World Prodigy*, I know these men earned their commendations.

I know that I speak for all the citizens of Rhode Island, when I add that we all owe them heartfelt thanks for a job well done.

Mr. President, I ask unanimous consent that an article from the Providence, RI, Journal of July 13, 1989, entitled "Three From CG Commended for Spill Cleanup" be printed in the RECORD.

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

[From the Providence Journal, July 13, 1989]

THREE FROM CG COMMENDED FOR SPILL CLEANUP

WASHINGTON.—The Coast Guard's commanding officer in Providence and two other Coast Guardsmen who fought the World Prodigy oil spill have won commendations for their performance.

In a Washington ceremony late Tuesday, Transportation Secretary Samuel K. Skinner presented the Coast Guard Commendation Medal to Capt. Eric J. Williams III, who commands the Marine Safety Office in Providence, and formally commended Chief Warrant Officer Alan C. Beal, commander of the Castle Hill station, and Boatswain's Mate Paul M. Krug, chief of the pollution section at Providence.

"At a time when public focus is on spills and damage to the environment, you have sent a strong message to the American people that we can transport oil and we can handle the problems that may arise," Skinner said in his citation.

Skinner also honored Coast Guard standouts in cleaning up oilspills in Delaware and Texas waterways the same weekend that the tanker spill threatened Narragansett Bay.

He said their actions were "in the highest tradition of the Coast Guard."

The Rhode Island Coast Guardsmen were cited for specific actions:

Williams was credited for "resolving a major environmental threat" by determining that immediate federal action was needed to contain the thousands of gallons of oil that spread over Rhode Island waters when the World Prodigy grounded on Brenton Reef.

"Without hesitation," Beal made the Castle Hill station available as William's command post. Beal and his crew were "instrumental" in keeping the oil spill response team ready during the crisis.

As Williams's principal representative at Fort Adams, the joint staging area for the Coast Guard and the state, Krug was "at the hub" of shoreside cleanup and made "an invaluable contribution" to the effort.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalabugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:19 p.m., a message for the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2788. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

MEASURES REFERRED

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

H.R. 2788. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending

September 30, 1990, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 1324. A bill to authorize appropriations for the fiscal years 1990 and 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligency Agency Retirement and Disability System, and for other purposes (Rept. No. 101-78).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Claudius E. Watts III, 245-52-1354FR, U.S. Air Force.

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. HEINZ:

S. 1317. A bill to suspend for a 3-year period the duty on L-alanyl-L-proline, also known as Ala Pro; to the Committee on Finance.

S. 1318. A bill to extend the temporary duty free treatment for certain types of hosiery knitting machines and parts thereof and certain types of knitting needles; to the Committee on Finance.

S. 1319. A bill to extend the temporary suspension of duties for certain hosiery knitting machines and to include in the suspension single cylinder coarse gauge machines and parts; to the Committee on Finance.

S. 1320. A bill to suspend for a 3-year period the duty of Tfa Lys Pro in free base and tosyl salt forms; to the Committee on Finance.

By Mr. PRESSLER (for himself, Mr. HATFIELD, Mr. COCHRAN, and Mr. D'AMATO):

S. 1321. A bill to amend the Public Health Service Act to provide assistance for education, research, and treatment programs relating to Alzheimer's disease and related disorders and to amend the Social Security Act to improve the provision of services under the Medicare and Medicaid programs to individuals with such disease or disorders; to the Committee on Labor and Human Resources.

By Mr. BURDICK (for himself and Mr. CONRAD):

S. 1322. A bill entitled the "Fort Totten National Historic Site Act"; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 1323. A bill to temporarily reduce the duty on certain timing apparatus; to the Committee on Finance.

By Mr. BOREN, from the Select Committee on Intelligence:

S. 1324. A bill to authorize appropriations for the fiscal years 1990 and 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Foreign Relations jointly, for the 30 day period provided in section 3(b) of S. Res. 400, 94th Congress, provided that the Committee on the Judiciary be restricted to consideration of title VI, and the Committee on Foreign Relations be restricted to consideration of sections 602 and 603, provided that if any committee fails to report within the 30 day time limit, such committee be discharged from further consideration of the bill in accordance with section 3(b) of S. Res. 400, 94th Congress.

By Mr. RIEGLE (for himself and Mr. HATFIELD):

S. 1325. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN:

S. 1326. A bill to temporarily suspend the duty on ciprofloxacin hydrochloride, ciprofloxacin, and nimodipine; to the Committee on Finance.

By Mr. McCONNELL:

S. 1327. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, KY; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. SIMON, Mr. GORE, Mr. RIEGLE, Mr. LEVIN, Mr. LAUTENBERG, Mr. KASTEN, Mr. NUNN, and Mr. DANFORTH):

S.J. Res. 177. Joint resolution designating October 29, 1989, as "Fire Safety At Home—Change Your Clock, Change Your Battery Day"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFEE, Mr. McCAIN, and Mr. WILSON):

S.J. Res. 178. Joint resolution to express U.S. support for the aspiration of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROTH:

S. Res. 153. Resolution expressing the sense of the Senate that $100 million in aid to Poland be used to capitalize an equity fund that could be leveraged to $500 million through the sale of bonds for investment in private Polish enterprises; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER (for himself, Mr. HATFIELD, Mr. COCHRAN, and Mr. D'AMATO):

S. 1321. A bill to amend the Public Health Serivce Act to provide assistance for education, research, and treatment programs relating to Alzheimer's disease and related disorders and to amend the Social Security Act to improve the provision of services under the medicare and medicaid programs to individuals with such diseases or disorders; to the Committee on Labor and Human Resources.

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT OF 1989 (CARE)

Mr. PRESSLER. Mr. President, today I am introducing the Comprehensive Alzheimer's Assistance, Research and Education Act of 1989 on behalf of myself, Senator HATFIELD, Senator COCHRAN, and Senator D'AMATO. The purpose of the legislation is to improve the provision of services under the Medicare and Medicaid programs to individuals with Alzheimer's disease and related disorders. It would provide comprehensive assistance for some four million Alzheimer's victims and their families.

This bill is identical to H.R. 1490, which was introduced by our distinguished colleague EDWARD R. ROYBAL in the House of Representatives in March.

Alzheimer's disease is a dementing disorder that, before killing its victims, renders them incapable of caring for themselves. The disease is progressive, irreversible and gradually strips away an individual's mental and physical capacities.

The tragedy of this disease has affected me personally. I remember so well the day I returned to the States after finishing my tour in Vietnam. At home, my father warmly embraced me. That was a very special moment in my life. It never crossed my mind that 20 years later he would not recognize my face or remember my name. As a victim of Alzheimer's he now resides in a nursing home.

My own story is but one among tens of thousands that could be told by others who have a mother, father, relative or friend who has Alzheimer's. The personal tragedies tell the story of how Federal policy has failed America's Alzheimer's victims and their families.

How widespread is Alzheimer's disease?

Approximately 4 million Americans suffer today from Alzheimer's. Although Alzheimer's knows no social or economic boundaries and affects both men and women, the disease strikes older persons more frequently. It affects approximately 11 percent of Americans over age 65 and about 25 percent of those age 85 and older.

These are only numbers and numbers do not convey the actual tragedy of Alzheimer's—the tragedy for those who contract this affliction, and their families, who must watch the mental and physical disintegration of a loved

one, and in many cases provide round-the-clock care.

Caregivers sacrifice financial security when they choose not to work in order to stay at home to provide care to their loved ones. Many face financial bankruptcy if they are forced to put their friend or family member in a nursing home. Further, caregiver burnout can result when individuals become physically and mentally worn out. Recent research indicates that caregivers are dying faster than victims of Alzheimer's.

There is a cost to American business as well—lost productivity. Experienced workers leave the work force to take care of relatives and friends.

It is astounding to realize that the victims of Alzheimer's cost America more than $80 billion per year. This amounts to an average cost per patient of $22,000. In comparison, the amount spent on research in 1989 will be approximately $120 million, or only $30 per patient.

Mr. President, the time is right for a major initiative to help conquer this disease. We must commit resources and medical technology to develop an ultimate weapon against Alzheimer's. The legislation I am introducing commits major resources to confront the endless pain and suffering afflicting Alzheimer's victims, caregivers, families, and friends.

BIOMEDICAL RESEARCH

The bill directs the Department of Health and Human Services to develop a plan for Alzheimer's research and implement it through the National Institute of Health—including the National Institute on Aging—and the National Institute of Mental Health. The legislation provides $500 million for Alzheimer's related biomedical research funding, including funding for drug and genetic research.

The current Alzheimer's centers program is extended by the bill. Fifteen new research centers are fully funded. The bill provides full funding for all centers, including a new program of off-site research on diagnosis and treatment.

FAMILY SUPPORT AND SERVICE DELIVERY RESEARCH AND DEMONSTRATIONS

Funds also are made available for research on services that promote the health and well-being of Alzheimer's victims and their families by encouraging care in their homes and reducing stress on families. The National Institute on Mental Health would conduct family support stress research. The National Institute on Aging would be funded to support long-term care research on Alzheimer's Disease. The National Center for Health Services Research would be funded to conduct research on models for improving the delivery of supportive services to Alzheimer's victims and their families. The Administration on Aging is asked to support demonstration projects that examine innovative family support and service delivery approaches, with special emphasis on stress-inducing disorders.

STATE ALZHEIMER'S PROGRAMS

The bill creates State programs of education and supportive services, including respite care for Alzheimer's victims, by providing up to $90 million per year by 1992. All 50 States and territories could receive grants.

ACCESS TO COMMUNITY MENTAL HEALTH CENTERS

Improves access to Community Mental Health Centers by the elderly and Alzheimer's victims and their families. This would be accomplished through a modification of the Alcohol, Drug Abuse and Mental Health Block Grant Program.

TRAINING OF HEALTH PROFESSIONALS AND RESEARCH ON MANPOWER

Funds are provided for the purpose of increasing training of health care professionals to improve the diagnosis, treatment and management of Alzheimer's Disease.

NATIONAL ALZHEIMER'S EDUCATION PROGRAM AND CAREGIVERS EDUCATION

The bill expands funding for a National Alzheimer's Education Program. Up to $3 million is provided for education, information dissemination and the collection of information from research and treatment programs.

IMPROVEMENT OF SERVICES UNDER MEDICARE AND MEDICAID

The Health Care Financing Administration is asked to modify the Medicare the Medicaid programs in order to better support Alzheimer's victims and families. This includes improving access to care, the quality of care and reimbursement procedures. The modifications include support for nursing homes, home health care and other alternative forms of care. Demonstration projects are established as a way of understanding how to better assist Alzheimer's patients.

COORDINATION OF ALZHEIMER'S RELATED RESEARCH

Finally, this legislation requires the Secretary of Health and Human Services to coordinate Alzheimer's related research within the Department of Health and Human Services.

Mr. President, the intent of this legislation is to promote a coordinated and compassionate approach to the problem of Alzheimer's disease. I hope that we will be able to act expeditiously and favorably on this bill. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 1321

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 "Comprehensive Alzheimer's Assistance, Research, and Education Act of 1989 (CARE)".

TITLE I—PUBLIC HEALTH SERVICE PROGRAMS WITH RESPECT TO ALZHEIMER'S DISEASE

SEC. 101. ESTABLISHMENT OF PROGRAMS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title VIII the following new title:

"TITLE IX—ALZHEIMER'S DISEASE

"PART A—RESEARCH

"SEC. 901. RESEARCH CENTERS.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to, and enter into cooperative agreements with, public and private nonprofit entities for the purpose of assisting such entities in establishing and maintaining, with respect to Alzheimer's disease and related disorders, not less than 15 centers for—

"(1) conducting basic and clinical research, training, and dissemination of clinical information;

"(2) demonstrating advanced diagnostic, prevention, treatment, and management methods;

"(3) conducting programs of community education; and

"(4) maximizing research in Alzheimer's disease and related disorders by—

"(A) coordinating, to the extent practicable, research activities among such centers;

"(B) coordinating, to the extent practicable, research activities of such centers with related research activities of the Department of Health and Human Services, the Veterans' Administration, State Alzheimer's programs, other public entities, and private entities; and

"(C) collaborating with such entities, and exchanging information with such entities, to the extent practicable.

"(b) REQUIREMENT OF CERTAIN CONSULTATIONS IN ADMINISTRATION OF PROGRAM.—In carrying out this section, the Secretary shall consult with the Director of the National Institute of Neurological Disorders and Stroke and the Director of the National Institute of Allergy and Infectious Diseases.

"(c) CERTAIN USES OF FUNDS.—In carrying out the purposes described in subsection (a), recipients of financial assistance under such subsection—

"(1) may provide for the construction of centers for Alzheimer's disease (notwithstanding any limitation under section 496), for demonstration purposes, and for staffing and other basic operating costs of such centers, including such patient care costs as may be required for research; and

"(2) may not acquire land or conduct research training for which National Research Service Awards may be provided under section 487.

"(d) LIMITATION ON SUPPORT OF CENTERS.—Support of a center under subsection (a) may be for a period not to exceed 5 years. Such period may be extended by the Secretary for additional periods of not more than 5 years each if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Secretary and if such group has recommended to the Secretary that such period should be extended.

"(e) OFF-SITE RESEARCH ON TREATMENT AND DIAGNOSIS.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to, and enter into

cooperative agreements with, entities receiving financial assistance under subsection (a) for the purpose of assisting such entities in carrying out, at locations other than centers established under such subsection, research on the diagnosis and treatment of Alzheimer's disease and related disorders.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purposes of carrying out this section other than subsection (e), there are authorized to be appropriated $25,000,000 for fiscal year 1990, $32,000,000 for fiscal year 1991, and $40,000,000 for fiscal year 1992.

"(2) OFF-SITE RESEARCH ON TREATMENT AND DIAGNOSIS.—For the purposes of carrying out subsection (e), there are authorized to be appropriated $15,000,000 for fiscal year 1990, $17,000,000 for fiscal year 1991, and $20,000,000 for fiscal year 1992.

"SEC. 902. BASIC AND CLINICAL RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institutes of Health and the Director of the National Institute of Mental Health, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct basic and clinical research with respect to Alzheimer's disease and related disorders.

"(b) REQUIREMENT OF CERTAIN CONSULTATIONS IN ADMINISTRATION OF PROGRAM.—In carrying out this section, the Secretary shall consult with the Director of the National Institute on Aging, the Director of the National Institute of Neurological and Communicative Disorders and Stroke, and the Director of the National Institute of Allergy and Infectious Diseases.

"(c) ALLOCATION OF APPROPRIATIONS FOR CERTAIN PURPOSES.—Of the amounts appropriated to carry out this section—

"(1) not less than $25,000,000 shall be obligated for research on the etiology of Alzheimer's disease and related disorders;

"(2) not less than $20,000,000 shall be obligated for research on the treatment and management of such disease and disorders;

"(3) not less than $15,000,000 shall be obligated for epidemiological research on such disease and disorders;

"(4) not less than $10,000,000 shall be obligated for research on the diagnosis of such disease and disorders; and

"(5) not less than $10,000,000 shall be obligated for research on lessening the burden of caring for individuals with such disease or disorders.

"(d) ALLOCATION OF CERTAIN APPROPRIATIONS AMONG AGENCIES.—For the purposes of carrying out subsection (a), the Secretary shall, as appropriate in the determination of the Secretary, allocate between the Director of the National Institutes of Health and the Director of the National Institute of Mental Health any amounts appropriated pursuant to subsection (e)(3).

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) NATIONAL INSTITUTES OF HEALTH.—For the purposes of carrying out this section through the Director of the National Institutes of Health, there are authorized to be appropriated $148,000,000 for fiscal year 1990, $280,800,000 for fiscal year 1991, and $352,000,000 for fiscal year 1992.

"(2) NATIONAL INSTITUTE OF MENTAL HEALTH.—For the purposes of carrying out this section through the Director of the National Institute of Mental Health, there are authorized to be appropriated $18,500,000 for fiscal year 1990, $35,100,000 for fiscal year 1991, and $44,000,000 for fiscal year 1992.

"(3) ALLOCATION AMONG AGENCIES.—For the purposes of allocations under subsection (c), there are authorized to be appropriated to the Secretary $18,500,000 for fiscal year 1990, $35,100,000 for fiscal year 1991, and $44,000,000 for fiscal year 1992.

"SEC. 903. FAMILY SUPPORT AND STRESS RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute of Mental Health, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct research and demonstration projects with respect to teaching the families of individuals with Alzheimer's disease or related disorders methods for providing appropriate care to such individuals and with respect to assisting such families in managing stress associated with caring for family members with such disease or disorders.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 1990, $26,000,000 for fiscal year 1991, and $28,000,000 for fiscal year 1992.

"SEC. 904. FAMILY SUPPORT DEMONSTRATION PROJECTS.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Commissioner on Aging, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct demonstration projects with respect to teaching the families of individuals with Alzheimer's disease or related disorders methods for providing appropriate care to such individuals and with respect to assisting such families in managing stress associated with caring for family members with such disease or disorders.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $12,000,000 for fiscal year 1990, $12,500,000 for fiscal year 1991, and $13,000,000 for fiscal year 1992.

"SEC. 905. LONG-TERM CARE RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct long-term care research with respect to Alzheimer's disease and related disorders and with respect to the coordination of long-term care services.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $12,000,000 for fiscal year 1990, $12,500,000 for fiscal year 1991, and $13,000,000 for fiscal year 1992.

"SEC. 906. MODEL DELIVERY SYSTEMS RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Center for Health Services Research, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct research with respect to developing methods for improving the delivery of supportive services to individuals with Alzheimer's disease or related disorders, including the delivery of such services by the families of such individuals. Such research shall include determining the methods of delivery most appropriate to various ethnic and cultural groups.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1990, $6,000,000 for fiscal year 1991, and $7,000,000 for fiscal year 1992.

"SEC. 907. REQUIREMENT OF APPLICATION.

"The Secretary may not provide financial assistance under any of sections 901 through 906 unless—

"(1) an application for the assistance is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the assistance is to be provided, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such sections.

"SEC. 908. DEVELOPMENT OF RESEARCH PLAN BY SECRETARY.

"(a) IN GENERAL.—The Secretary shall, in consultation with such advisory entities as the Secretary may establish, develop a plan for a research program for the study of Alzheimer's disease and related disorders. The plan shall incorporate current and proposed research. The plan shall provide for—

"(1) coordinating and promoting research into the biological, medical, psychological, social, and economic aspects of Alzheimer's disease and related disorders;

"(2) identifying steps for increasing research training in geriatrics and gerontology; and

"(3) disseminating research findings to relevant Federal and State agencies.

"(b) CERTAIN REQUIREMENT WITH RESPECT TO ADMINISTRATION OF PROGRAM.—Research under the plan established under subsection (a) shall be carried out through the National Institutes of Health (including the National Institute on Aging), the National Institute of Mental Health, and other appropriate entities of the Service.

"(c) SUBMISSION OF PLAN TO PRESIDENT AND CONGRESS.—Upon completion of the plan required in subsection (a), the Secretary shall submit the plan to the President and the Congress.

"PART B—GRANTS TO STATES

"SEC. 921. PROVISION BY STATES OF CERTAIN SERVICES.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall make grants to States to plan, establish, and operate programs to—

"(1) coordinate the development and operation by public and private organizations of diagnostic, treatment, care management, respite care, legal counseling, and education services provided within the State to individuals with Alzheimer's disease or related disorders and to the families and care providers of such individuals, which organizations include the Veterans' Administration, the Alzheimer's disease centers established pursuant to section 901, and organizations representing such individuals and such families;

"(2) provide home health care, personal care, day care, companion services, short-term care in health facilities, and other respite care to individuals with Alzheimer's disease or related disorders;

"(3) provide to health care providers, to individuals with Alzheimer's disease or related disorders, to the families of such individuals, to organizations established for such individuals and such families, and to

the general public, information with respect to—

"(A) diagnostic services, treatment services, and related services available to such individuals and to the families of such individuals;

"(B) sources of assistance in obtaining such services, including assistance under entitlement programs; and

"(C) the legal rights of such individuals and such families;

"(4) coordinate the development and operation of training programs and continuing education programs for health care providers on the diagnosis, treatment, and care management of Alzheimer's disease and related disorders;

"(5) review State policies on the financing of and reimbursement of the costs of health care (including respite care) for individuals with Alzheimer's disease or related disorders, review State nursing home and home monitoring regulations that apply to such individuals, and identify policy changes that can improve the care provided to such individuals; and

"(6) coordinate with any Federal programs relating to Alzheimer's disease or related conditions.

"(b) RESTRICTIONS ON USE OF FUNDS.—

"(1) Amounts provided under a grant under subsection (a) may not be used to—

"(A) make cash payments to individuals with Alzheimer's disease or related disorders or to the families of such individuals; or

"(B) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) Not less than 25 percent, and not more than 50 percent, of a grant under subsection (a) may be used in any fiscal year to provide respite care.

"(c) DURATION OF GRANT.—A grant made under subsection (a) shall be made for 3 years, subject to annual evaluation by the Secretary.

"(d) AMOUNT OF GRANT.—The amount of a grant under subsection (a) may not—

"(1) be less than $250,000; and

"(2) exceed one-half of the costs of the program for which the grant is made.

"(e) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(f) EVALUATIONS BY SECRETARY.—The Secretary shall annually evaluate programs for which grants are made under subsection (a) and may contract with private entities to conduct such evaluation. For any evaluation in the first year of any such program the amount of the evaluation contract may not exceed 2 percent of the amount of the grant made for the program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1990, $100,000,000 for fiscal year 1991, and $125,000,000 for fiscal year 1992.

"PART C—MENTAL HEALTH SERVICES

"SEC. 931. PROVISION OF SERVICES BY STATES.

"(a) AGREEMENT BY STATES WITH RESPECT TO ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall require that, as a condition of receiving funds under subpart 1 of part B of title XIX, a State must agree that—

"(1) activities carried out pursuant to section 1915(a) will include the increased provision of mental health services (including outreach services) to individuals who are 65 years of age or older, to individuals with Alzheimer's disease and related disorders, and to the families of individuals with such disease or disorders; and

"(2) the report submitted pursuant to section 1917 will include a description of the activities carried out pursuant to paragraph (1).

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making allotments under section 1913, there are authorized to be appropriated, in addition to amounts authorized to be appropriated pursuant to section 1911, $50,000,000 for fiscal year 1990, $52,000,000 for fiscal year 1991, and $55,000,000 for fiscal year 1992.

"PART D—TRAINING OF HEALTH CARE PROFESSIONALS

"SEC. 941. ESTABLISHMENT OF GENERAL PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institute on Aging, may make grants for the purpose of assisting grantees in providing training programs and continuing education programs with respect to health care for individuals with Alzheimer's disease or related disorders (including programs relating to diagnosis, treatment, and management) and with respect to long-term care for such individuals;

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant is—

"(1) an educational institution providing training in medicine, psychology, nursing, social work, gerontology, or health care administration;

"(2) an educational institution providing training in the provision of home health services, homemaker services, or other home care services; or

"(3) an Alzheimer's disease center established pursuant to section 901.

"(c) GEOGRAPHIC DISTRIBUTION OF SERVICES.—The Secretary shall ensure that grants under subsection (a) are made so as to provide for an equitable distribution of services under the grants among the principal geographic regions of the United States.

"(d) AVAILABILITY TO CERTAIN PERSONS OF PROGRAMS.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will—

"(1) make the training programs and continuing education programs described in subsection (a) available to health care professionals, health care paraprofessionals, and family caregivers; and

"(2) coordinate such training and continuing education programs with the Alzheimer's disease centers established pursuant to section 901.

"(e) DEVELOPMENT OF CURRICULA FOR PROGRAMS.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to the Alzheimer's disease centers established pursuant to section 901 for the purpose of assisting the centers in developing curricula for the training programs and continuing education programs described in subsection (a), including obtaining the most recent relevant research data available.

"(f) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) or subsection (e) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out the grant program established in subsection (a), there are authorized to be appropriated $10,000,000 for fiscal year 1990, $10,500,000 for fiscal year 1991, and $11,000,000 for fiscal year 1992.

"(2) DEVELOPMENT OF CURRICULA FOR PROGRAMS.—For the purpose of carrying out the grant program established in subsection (e), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1990 through 1992.

"SEC. 942. DETERMINATION OF HEALTH MANPOWER NEEDS.

"(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this section, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall initiate a study for the purpose of determining—

"(1) the health manpower needs with respect to providing health care services and long-term care services to individuals in the United States with Alzheimer's disease, related disorders, and other disorders requiring long-term care services;

"(2) the number of health care training programs necessary with respect to providing such services;

"(3) the geographic distribution of such services and such training programs;

"(4) the health power manpower needs with respect to providing such services to members of minority and ethnic groups, including the distribution of such services among such groups and the number of minority and ethnic personnel providing such services and enrolled in such training programs; and

"(5) mechanisms for coordinating, to the extent practicable, the health manpower efforts of the Health Resources and Services Administration with such efforts by other Federal agencies and by State agencies.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the study required in subsection (a), there is authorized to be appropriated $200,000 for each of the fiscal years 1990 through 1992.

"PART E—EDUCATION PROGRAMS

"SEC. 951. NATIONAL ALZHEIMER'S DISEASE EDUCATION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—With respect to Alzheimer's disease and related disorders, the Secretary shall establish a National Alzheimer's Disease Education Program for the purpose of—

"(1) promoting the coordination of health care financing, service, research, education, and training programs in and by the National Institutes of Health, the National Insti-

tute of Mental Health, the Health Resources and Services Administration, the Health Care Financing Administration, the Veterans' Administration, other Federal entities, State and local governments, and private organizations;

"(2) collecting, through the Clearinghouse on Alzheimer's Disease, information on research and treatment programs relating to such disease and disorders, information on education and training programs relating to such disease and disorders, information relating to the services available to individuals with such disease or disorders and to the families of such individuals, and information relating to the legal rights of such individuals and such families;

"(3) making such information available to health care professionals, to individuals with such disease or disorders, to the families of such individuals, and to the general public; and

"(4) providing technical assistance to States and to public and private agencies and organizations, including agencies and organizations providing services to such individuals and the families of such individuals and agencies and organizations representing such individuals and such families.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out subsection (a), there are authorized to be appropriated $2,000,000 for fiscal year 1990, $2,500,000 for fiscal year 1991, and $3,000,000 for fiscal year 1992.

"SEC. 952. PROVISION OF INFORMATION ON AVAILABILITY OF ASSISTANCE.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to public and nonprofit private entities for the purpose of assisting such entities in establishing programs to educate health care providers and the families of individuals with Alzheimer's disease or related disorders—

"(1) on caring for individuals with such diseases or disorders; and

"(2) on the availability in the community involved of public and private sources of assistance, including financial assistance, for caring for such individuals.

"(b) GEOGRAPHIC DISTRIBUTION OF SERVICES.—The Secretary shall ensure that grants under subsection (a) are made so as to provide for an equitable distribution of services under the grants among the principal geographic regions of the United States.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1990, $10,500,000 for fiscal year 1991, and $11,000,000 for fiscal year 1992.".

SEC. 102. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1989, or upon the date of the enactment of this Act, whichever occurs later.

TITLE II—IMPROVEMENT OF SERVICES UNDER MEDICARE AND MEDICAID PROGRAMS

SEC. 201. ASSURING ADEQUATE FUNDING FOR TREATMENT OF INDIVIDUALS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS.

(a) MEDICARE.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (hereafter in this Act referred to as the "Secretary") shall review the levels of reimbursement provided under title XVIII of the Social Security Act for home health services, extended care services, and inpatient hospital services for medicare beneficiaries in an advanced stage of Alzheimer's disease or a related disorder. To the extent that such levels do not accurately reflect the reasonable amounts required to provide adequately for services furnished to such patients, the Secretary shall, not later than 18 months after the date of the enactment of this Act, adjust such levels accordingly.

(b) MEDICAID.—Each State with a State plan approved under title XIX of the Social Security Act shall report to the Secretary, not later than 12 months after the date of the enactment of this Act, on how the levels of reimbursement under the plan for home health services, nursing facility services, inpatient hospital services, and community-based care take into account the special needs of medicaid beneficiaries in an advanced stage of Alzheimer's disease or a related disorder.

SEC. 202. UPGRADING QUALITY OF CARE REVIEWS FOR HEAVY CARE PATIENTS.

(a) MEDICARE.—The Secretary shall modify contracts with utilization and quality control peer review organizations under part B of title XI of the Social Security Act in a manner that ensures that such organizations conduct adequate and representative quality of care reviews on patients (such as patients in an advanced stage of Alzheimer's disease or a related disorder) who require intensive home health services or extended care services.

(b) MEDICAID.—As a condition of approval of a State plan under title XIX of the Social Security Act, on or after January 1, 1988, a State must provide assurances satisfactory to the Secretary that the State is providing for the conduct (by peer review organizations or other qualified organizations) of adequate and representative quality of care reviews on patients (such as patients in an advanced stage of Alzheimer's disease or a related disorder) who require intensive home health services, nursing facility services, or other long-term care services.

SEC. 203. ASSURING ACCESS TO NEEDED SERVICES.

(a) REVIEW.—The Secretary shall review the practices of home health agencies, skilled nursing facilities, and intermediate care facilities participating under the medicare or medicaid program with respect to whether they limit or restrict the home health services or nursing facility services they provide to individuals with Alzheimer's disease or a related disorder.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall report to the Congress on the results of such review and shall include in the report findings as to whether access of Alzheimer disease patients to necessary home health services or nursing facility services is being restricted and, if so, appropriate changes that should be made in the law or regulations to prevent such restrictions.

SEC. 204. RESEARCH AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall provide for research and demonstration projects concerning methods of improving the delivery of necessary health care services to medicare and medicaid beneficiaries with Alzheimer's disease or a related disorder.

(b) PARTICULAR PROJECTS INCLUDED.—Among the projects which are conducted under this section, the Secretary shall provide for at least—

(1) a project that demonstrates the provision of community-based care (including day care) and in-home care, as well as improved nursing home and home health staffing and training, for medicare beneficiaries with Alzheimer's disease or a related disorder;

(2) a project that demonstrates alternative methods of health care delivery to such beneficiaries, including services designed to maintain such beneficiaries in their home;

(3) a project that demonstrates alternative methods of payment under the medicare and medicaid programs for long-term care (including home health care and nursing facility services) for medicare and medicaid beneficiaries (such as those in an advanced stage of Alzheimer's disease or a related disorder) who require an intensive level of services; and

(4) a project that demonstrates coverage of nursing home care for medicare beneficiaries with Alzheimer's disease or a related disorder without regard to prior hospitalization or the need for skilled nursing care.

(c) EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the research and demonstration projects conducted under this section and shall submit to the Congress a report on such projects, which report shall include recommendations for appropriate legislative changes.

(d) FUNDING.—To carry out this section, there are authorized to be appropriated $6,000,000 for fiscal year 1990, $7,000,000 for fiscal year 1991, and $8,000,000 for fiscal year 1992. To the extent that research and demonstration projects relate to medicare beneficiaries, such funds shall be appropriated, in appropriate proportions, from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund. Grants and payments under contracts under this section may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(e) WAIVER OF MEDICARE AND MEDICAID REQUIREMENTS.—The Secretary is authorized to waive compliance with the requirements of part B of title XI, title XVIII, and title XIX of the Social Security Act to the extent and for the period the Secretary finds necessary for the conduct of the research and demonstration projects under this section.

Mr. HATFIELD. Mr. President, I rise today to join my colleague from South Dakota [Mr. PRESSLER], in introducing the Comprehensive Alzheimer's Assistance, Research, and Education Act of 1989, better known as the CARE bill. I am delighted to join forces in this comprehensive effort to elevate the war on Alzheimer's disease.

Alzheimer's disease is truly the disease of the century. More than 100,000 individuals die of Alzheimer's disease annually, which makes it the fourth leading cause of death in adults, after heart disease, cancer, and stroke. It is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking, and behavior, in over 4 million American adults. Strikingly, this disease is now present in one out of every three homes in America.

As we entered this decade, there was little attention being paid by the Fed-

eral Government to Alzheimer's disease and its costly and traumatic implications. When I became chairman of the Appropriations Committee in the Senate, only $13 million was being spent for Alzheimer's research. Today, $123 million has been appropriated by this Congress for research and treatment of Alzheimer's disease. In one decade we have made significant progress. But, especially when compared to other research efforts, it is clear that we could do more.

However, funding for heart disease, AIDS, and cancer research which each total between $600 million and $1.45 billion annually, continue to outpace research on Alzheimer's disease. The Federal Government must place a higher priority on Alzheimer's research—indeed all medical research—if our country is going to seek in earnest a healthier world for future generations.

The CARE bill offers the framework for an aggressive congressional response in research, education, and family assistance.

The bill calls for a quadrupling of Federal research funding, totaling $500 million by 1992, for Alzheimer's and related disorders. Of the total research funding, 80 percent will go to the National Institutes of Health with the participation of the National Institute on Aging, 10 percent to the National Institute of Mental Health, and 10 percent is to be distributed according to the priorities developed by the Department of Health and Human Services. In addition, a total of 15 Alzheimer's disease research centers are to be fully funded under the CARE bill.

This legislation calls for the creation of State Alzheimer's programs, with 25 to 50 percent of the funds provided for respite care. All 50 States will be eligible to receive grants to develop diagnostic, treatment, care management, legal counseling, and educational services for care providers and their families. States also will disseminate information on services available to Alzheimer's patients as well as sources of assistance.

Federal-State partnerships are already underway in many areas of the country.

In Oregon, Mr. Richard Ladd, Administrator of the Oregon Senior Service Division, has actively pursued measures to provide in-home care and day care to individuals under age 60 who have Alzheimer's disease. For the 50,000 Oregonians who suffer from this disease, the CARE bill's State-Federal partnerships will provide the core support system for their families.

The National Alzheimer's Education Program, already established in the Department of Health and Human Services, will be expanded under the CARE bill to further emphasize public and private organizations delivering services to patients and their families.

I believe community involvement is critical in this process. Until a cure is found, churches, self-help organizations, health care providers and Government must work together to help ease the burden of patients and their families.

I believe the United States should deploy our brightest research minds and our best facilities, with the support of State, Federal, and private funds, to fight Alzheimer's disease today before it paralyzes our country tomorrow. Time is not on our side because America is aging.

In the next 50 years, the number of Americans 65 and over will increase from about 30 million to approximately 64 million. The CARE bill provides the framework for Congress to commit sufficient resources and maintain a high priority for Alzheimer's disease and its attendant trauma.

We must remember that the toll of Alzheimer's disease is not measured just in dollars spent and lives lost. Alzheimer's disease creates fear for its sufferers, disrupts the lives of families and loved ones, and causes tremendous emotional and financial burdens for all those who must deal with the disease.

I am pleased to join Mr. PRESSLER in pursuing this ambitious agenda. I urge the support of my colleagues.

Mr. President, I ask unanimous consent that a summary of the Comprehensive Alzheimer's Assistance, Research, and Education Act be printed in the RECORD.

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

SUMMARY OF S. 1321: COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (CARE)

PURPOSE

To provide expanded research on Alzheimer's disease and related disorders and to improve care and assistance for its victims and their family caregivers.

BACKGROUND

Alzheimer's disease is one of a number of degenerative neurological disorders that affect over 3 million middle age and elderly individuals. The symptoms of Alzheimer's disease and these related disorders (AD) include debilitating changes in personality, memory deterioration, disorientation, and impaired impulse control and judgment. As the disease progresses, changes in intellectual functioning take place with even more severe changes. Victims may wander, develop erratic moods, become difficult to manage and become incontinent. The disease eventually renders its victims helpless and the family caregivers financially and emotionally exhausted.

To date, the federally funded research effort has been grossly underfunded as compared to federal funding for the other major diseases. While Alzheimer's related funding total about $120 million annually, funding for heart disease, AIDS and cancer research each total between $600 million and $1.45 billion annually. This discrepancy occurs in spite of the fact that the social and economic costs of Alzheimer's are on the same order of magnitude (or greater) as these major diseases. Further, our current federal research spending amounts to only about $1 in annual research expenditures for every $500 in annual societal costs. Over three years, this CARE bill proposes to quadruple federal research funding—totaling $500 million by 1992—for Alzheimer's and related disorders.

Although Congress has directed much research toward Alzheimer's Disease and related disorders, inadequate dissemination of information to the medical community and the public has resulted in misdiagnosis and lack of access to treatment management options for many patients. In addition, the nature of these disorders has left families with an extreme psychological, physical and economic burden that warrants a systematic examination of models of care and reimbursement policies. Moreover, recent critical research breakthroughs relative to causes of and treatment for Alzheimer's Disease and related disorders make it apparent that the research, treatment and management of these disorders have reached a point where a coordinated effort, including the states, the federal government and private groups, is warranted.

Beyond research, there is a great need to provide support to the Alzheimer's victims and their caregivers. Currently, Medicaid is one of the few programs providing support, but only after the individual and their families face virtual impoverishment. While long term care will be addressed in other legislation, the federal government should move quickly in a joint effort with the States to develop a state-based support system for Alzheimer's victims and their caregivers. For 1992, the CARE bill proposes $125 million in funding for State Alzheimer's Programs, a joint federal-state partnership, to provide the core of that support system.

CARE BILL SUMMARY

Responding to the overwhelming need to assist the victims of Alzheimer's disease and related disorders, the CARE legislative package, originally introduced in the House of Representatives as H.R. 1490 by Representatives Roybal, Waxman and Stark, and developed in partnership with the Alzheimer's Association and on behalf of its more than 200 Chapters nationwide, proposes the following initiatives:

Over a three year-in, provides for a quadrupling of Alzheimer's related biomedical research funding to a level of $500 million by 1992 including funding for drug and genetic research.

From the research funding, a total of 15 AD research centers are to be fully funded and a new program of-site research on diagnosis and treatment is to be initiated.

Funds research on services to promote the health and well-being of AD victims and their families by encouraging care in the home and reducing the stress on the families.

Expands funding for the National Alzheimer's Education Program.

Creates state programs with education and supportive services, including respite care, for AD victims. Provides a phase-in of funding reaching 90 million/year by 1992.

Modifies Medicare and Medicaid to better support AD victims and families.

Funds Medicare and Medicaid research to examine potential changes in eligibility benefits and reimbursement.

Increases training of health care providers for AD victims and families.

Modifies the Alcohol, Drug Abuse and Mental Health Block Grant to better support AD victims and families.

Requires that Secretary coordinate Alzheimer's related research of Department of Health and Human Services.

CARE BILL PROVISIONS

Title I. Public Health Service Programs with respect to Alzheimer's

Sections 901-902. Biomedical research on Alzheimer's disease and related disorders.—Requires that the Department of Health and Human Services develop a plan of AD related research and implement it through the National Institutes of Health (NIH) (including the National Institute on Aging (NIA)) and the National Institute of Mental Health (NIMH).

Expands NIH and NIMH biomedical research programs by funding basic research related to AD at a combined level of $225 million for 1990, $400 million for 1991, and $500 million for 1992. Of the total biomedical research funding, 80 percent goes to NIH, 10 percent goes to NIMH, and 10 percent is to be distributed between NIH and NIMH according to priorities developed by the DHHS Secretary.

From the above NIH and NIMH research funding and subject to the level of the total appropriation for this research, research priorities include the etiology of AD (minimum of $25 million per year), the epidemiology of AD (minimum of $15 million per year, diagnosis of AD (minimum of $10 million per year), the treatment and management of AD (minimum of $20 million per year) and the burden of caring for AD victims (minimum of $10 million per year).

From the above NIH and NIMH research funding, the current Centers program is extended by fully funding 15 Alzheimer's Research Centers at a level of $25 million in 1990, $32 million in 1991 and $40 million in 1992. In addition, this funding also provides funding for a new initiative to develop off-site research on diagnosis and treatment of AD with authorized funding of $15 million in 1990, $17 million in 1991 and $20 million in 1992. The Centers and the off-site programs are to be administered by the National Institute on Aging in collaboration with NIMH, NINCDS and NIAID. Responsibilities of the Centers include: Conducting research into cause, prevention, diagnosis, treatment and management of AD; training health care personnel; disseminating clinical information; conducting community education on AD; and coordinating with other Centers and related public/private facilities.

Provides for coordination and dissemination of research both within DHHS and to other relevant agencies.

Sections 903-906. Family support and service delivery research and demonstrations.—Establishes research and demonstration programs to develop methods of service delivery that will promote the health and well-being of AD victims and their families by encouraging care in the home and reducing the stress on the families of AD patients.

NIMH Family Support and Stress Research: Authorizes $25 million in 1990, $26 million in 1991 and $28 million in 1992 to support joint research and demonstration projects with public and private organizations.

NIA Long Term Care Research: Authorizes $12 million in 1990, $12.5 million in 1991 and $13 million in 1992 to support long term care research on Alzheimer's Disease and related disorders and on the coordination of long term care.

National Center for Health Services Research Model Delivery Systems Research: Authorizes $5 million in 1990, $6 million in 1991 and $7 million in 1992 to conduct research on models for improving the delivery of supportive services to AD patients and their families, with particular attention to ethnic and cultural groups.

Administration on Aging Family Support Demonstrations: Authorizes $12 million in 1990, $12.5 million in 1991 and $13 million in 1992 to support joint demonstration projects with public and private organizations examining innovative family support and service delivery approaches with special emphasis on stress inducing disorders such as AD.

Section 908. Department coordination of Alzheimer's related research.—Requires that the Secretary of the Department of Health and Human Services establish a mechanism to coordinate all Alzheimer's related research within the Department.

Section 921. State Alzheimer's programs.—Establishes a joint federal and state effort to develop services and policies to assist victims of AD and their families. All 50 States and territories may receive grants to create State Alzheimer's Programs.

Develops diagnostic, treatment, care management, legal counseling, and educational services for care providers, victims, and their families.

Makes available respite care services (including, but not limited to, home health, day care, companion, short term stay in health facilities) for the AD patient. (Between 25% and 50% of the grant is to be used for this purpose.)

Reviews state policies on the financing and reimbursement of the costs of health care for patients with AD and identifies other policy changes that would improve the care of patients with AD.

Disseminates information to victims, their families, health care providers, organizations established for patients with AD and to the general public on services available to AD victims as well as on rights of and sources of assistance for AD victims and their families.

Makes initial grants available for 3 years with funding at a minimum of $250,000 per year and subject to an annual evaluation by the Department of Health and Human Services.

States are required to provide matching funds at a 50-50 rate.

Total program funding is set at $50 million for 1990, $100 million for 1991, and $125 million for 1992.

Section 931. Access to community mental health centers.—Improves access to Community Mental Health Centers by the elderly and by AD victims and their families.

Directs the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) to require that Community Mental Health Centers (CMHCs) receiving ADAMHA Block Grant funds increase their efforts to reach the elderly and to reach AD victims and their families. Authorizes an additional $50 million in 1990, $52 million in 1991 and $55 million in 1992. CMHCs provide increased services and outreach to the elderly and to AD victims and their families, and CMHCs report annually to ADAMHA on their services and outreach for the elderly and for AD victims and their families.

Sections 941-942. Training of health professionals and research on manpower.—Increases training of health care professionals and paraprofessionals to improve the diagnosis, treatment and management of AD.

Provides NIA Grants to medical, psychology, nursing, social work, gerontology, and health administration schools and to AD research centers for training and continuing education on health and long term care using AD as an illustrative case. Grants shall be awarded so as to ensure appropriate geographic coverage. Authorizes $10 million in 1990, $10.5 million in 1991 and $11 million in 1991.

Provides NIA Grants to AD Research Centers to assist schools in developing curricula for training and continuing education and to ensure transfer of the most up-to-date research information. Authorizes $2 million in 1990, $2 million in 1991 and $2 million in 1992.

Requires that the Health Resources and Services Administration (HRSA) conduct a manpower study to determine the adequacy of health manpower for meeting the ongoing care needs of AD and other long term care patients as well as the adequacy of training, of geographic distribution by discipline, and of minority and ethnic personnel and to determine mechanisms for coordinating its manpower effort with those of other relevant federal agencies. Authorizes $200,000 per year.

Section 951-952. National Alzheimer's Education Program and caregiver education.—Expands funding for the National Alzheimer's Education Program, a national program (similar to the successful National High Blood Pressure Education Program), which was already established in the Department of Health and Human Services annual Appropriations bills and is administered through the National Institute on Aging, to create a national focus on the problem of AD and the care of its victims.

Brings together public and private organizations to develop better ways to provide care to AD patients and assist their families.

Provides technical assistance to public and private organizations delivering services to AD patients and providing information (including the rights of and sources of assistance for AD victims and their families) to the public and health care providers.

Incorporates the Clearinghouse on Alzheimer's Disease which collects information from research and treatment programs and makes this information available to victims of AD and their families, to health care professionals and to the general public.

Fosters and coordinates research, training, and education programs relating to AD cause, treatment and diagnosis.

Funding is set at $2.0 million for 1990, $2.5 million for 1991, and $3 million for 1992.

Provides NIA Grants to public and private non-profit organizations to fund training programs for direct care providers and family caregivers on what public and private resources are available to AD victims and their family caregivers and on how best to provide care to AD victims. Grants shall be awarded so as to ensure appropriate geographic coverage. Authorizes $10 million in 1990, $10.5 million in 1991 and $11 million in 1991.

Title II. Improvement of services under Medicare and Medicaid

Sections 201-203. Medicare and medicaid program modifications and research and demonstration projects.—Improves Medicare and Medicaid access, quality and reimbursement with respect to Medicare and Medicaid covered AD victims.

Directs the Health Care Financing Administration (HCFA) to modify the Medicare and Medicaid programs to: review and, as needed, modify reimbursement for home health services, extended care services and inpatient hospital services to reflect more accurately the cost of caring for advanced stages of AD; upgrade quality of care and utilization reviews for heavy care patients such as AD patients; and ensure that access to nursing home and home health care for AD victims is not limited by the practices of nursing home and home health agencies.

Mandates that the Department of Health and Human Services continue to conduct AD related research, demonstrations, and waiver projects in order for Medicare and Medicaid to better assist AD victims. Projects include at least the following:

Provision of community-based care (including day care) and in-home care, as well as improved nursing home and home health staffing and training.

Provision of alternative methods of health care delivery systems for AD patients, including services designed to maintain patients in the home.

Alternative methods of payments for long term care (including home health care and nursing facility services) for AD and other heavy care patients.

Coverage of nursing home care without the need for skilled nursing care. (Current reimbursement policy precludes reimbursement by Medicare until medical management of the condition is warranted and unless nursing home and home health care are skilled. It precludes reimbursement by Medicaid until the victim's resources are depleted and until the community spouse's resources are spent down to the new standards under the Medicare Catastrophic Coverage Act.)

Funding for administrative costs relating to research and demonstration projects is set at $6.0 million for 1990, $7.0 million for 1991, and $8.0 million for 1992.

NOTE.—This CARE legislative package is the comparison bill to H.R. 1490 introduced by Representatives Edward Roybal, Henry Waxman and Peter Stark in the House of Representatives on March 20, 1989.

SUMMARY OF AUTHORIZED SPENDING, COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (CARE)

[In millions of dollars]

	Fiscal years—		
	1990	1991	1992
Biomedical Research on AD:			
Alzheimer's research centers	$25.0	$32.0	$40.0
Off-site diagnosis/treatment program	15.0	17.0	20.0
Other NIH and NIMH biomedical research	185.0	351.0	440.0
Total biomedical research on AD [1]	225.0	400.0	500.0
Family support and service delivery research demonstrations:			
NIMH family support and stress research	25.0	26.0	28.0
NIA long-term care research	12.0	12.5	13.0
NCHSR model delivery system research	5.0	6.0	7.0
AOA family support demonstrations	12.0	12.5	13.0
Total family support and service delivery	54.0	57.0	61.0
State Alzheimer's programs	50.0	100.0	125.0
Improved CAMHC access	50.0	52.0	55.0
Training of health care professionals:			
NIA health professional training	10.0	10.5	11.0
NIA curriculum development grants	2.0	2.0	2.0
HRSA manpower studies	0.2	0.2	0.2
Total training	12.2	12.7	13.2
Education programs:			
National Alzheimer's Education Program	2.0	2.5	3.0
NIA direct care provider and family caregiver	10.0	10.5	11.0

SUMMARY OF AUTHORIZED SPENDING, COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (CARE)—Continued

[In millions of dollars]

	Fiscal years—		
	1990	1991	1992
Total education programs	12.0	13.0	14.0
Medicare and Medicaid Program:			
Modifactions	(2)	(2)	(2)
Research and Demonstrations	6.0	7.0	8.0
Total CARE authorization	409.2	641.7	776.2

[1] Quadruples Existing Funding By 1992 and Provides Specific AD Authorization.
[2] Existing Funding Sufficient for "CARE" Provisions.

Mr. D'AMATO. I rise today as an original cosponsor of the Comprehensive Alzheimer's Assistance, Research, and Education Act [CARE]. This bill will strengthen the Federal commitment to Alzheimer's disease research, and will enhance care and assistance for its victims and their family members. I commend my colleagues, Senators HATFIELD and PRESSLER, for bringing attention to an issue that for too long has received insufficient attention and funding.

Alzheimer's disease is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking, and behavior. Today, more than 4 million Americans suffer from Alzheimer's or a related disorder. This tragic disease takes the lives of more than 100,000 adults annually, making it the fourth leading cause of death in adults in the United States.

As our population ages, the incidence of Alzheimer's disease is expected to rise dramatically. Barring the development of a cure or treatment, demographic trends alone are expected to result in a twofold increase in the number of Alzheimer's cases by the end of the century. The total cost to society, now estimated to be $80 million annually, also will increase in proportion to the number of those afflicted.

Given the magnitude of this debilitating illness, it is shameful how little is being spent to speed the discovery of a cure. While annual research expenditures for heart disease, AIDS, and cancer have grown to between $600 million and $1.45 billion, funding for Alzheimer's and related disorders amounts to only $120 million. Worse still, Federal programs currently provide only about $1 annual research expeditures for every $500 in costs incurred by society.

The CARE bill will address the gross underfunding of our Alzheimer's disease efforts by quadrupling Federal research funding—to $500 million by 1992. This funding level would support the establishment of 15 new Alzheimer's research centers to undertake both clinical and basic research as well as behavorial studies of Alzheimer's and related disorders. In addition, it would support a new initiative to develop off-site research on the diagnosis and treatment of Alzheimer's.

The increased funding would also support an expanded National Alzheimer's Education Program. This program will address a lack of available information to the medical community and to the public—a situation that has resulted in misdiagnosis and lack of access to treatment management options for many patients. In addition, the CARE bill, through Federal and State programs, will disseminate information on treatment, financing, and services for victims, their families, and health care providers.

Since families and friends act as the primary caregivers for Alzheimer's victims, CARE makes a concerted effort to address their needs. In addition to the extreme psychological and physical stress from which they suffer, these caregivers encounter a tremendous economic burden, which CARE seeks to alleviate by funding a state-based support system in conjunction with all 50 States and territories.

The tragedy of Alzheimer's disease demands our immediate attention. We must undertake a concerted, comprehensive effort today if we are to one day end the pain and suffering afflicting Alzheimer's victims, caregivers, families, and friends.

This long-overdue legislation is worthy of our full support. I urge my colleagues to join me in cosponsoring the CARE bill, and I urge its immediate passage.

Thank you, Mr. President.

By Mr. KOHL:

S. 1323. A bill to temporarily reduce the duty on certain timing apparatus; to the Committee on Finance.

DUTY TREATMENT OF CERTAIN TIMING APPARATUS

Mr. KOHL. Mr. President, I am introducing legislation today to amend the harmonized tariff schedule with respect to duty rates on certain timing apparatus. This bill would correct a mistake that has occurred in the transition from the old Tariff Schedules of the United States to the new harmonized tariff schedule.

The measure I am introducing today is similar to a bill, H.R. 1982, introduced in the House of Representatives earlier this year by my colleague from Wisconsin, Mr. SENSENBRENNER. This bill, however, reflects the concerns that have been raised by the administration during consideration of H.R. 1982 by the House Ways and Means Committee. It does so by making the change in duty rates effective only through 1992.

While I would prefer that this correction of the tariff classification be a permanent one, I have incorporated the administration's concerns in this measure in order that this correction

can be adopted as expeditiously as possible. I hope, however, that the administration will give serious consideration to making this correction permanent at the appropriate point in time.

Mr. President, I look forward to working with the Finance Committee on this measure, and hope that my colleagues will join with me in correcting an inadvertent error that occurred in the transition to the harmonized tariff schedule.

By Mr. RIEGLE (for himself and Mr. HATFIELD):

S. 1325. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF RESTRICTIONS ON OIL EXPORTS

● Mr. RIEGLE. Mr. President, Alaska oil is very much on the minds of Americans today. The recent tragic shipping accident near Valdez has served as a stark reminder how much our Nation relies on crude oil from Alaska. Petroleum remains our most important energy source. It fuels our automobiles, homes, and industries, as well as forming a major component of a wide variety of products used throughout our economy.

In 1973, Congress authorized the construction of the Trans-Alaska Pipeline System. In doing so, it also established a clear national policy that domestic users should have first priority for the use of that oil. As a result, Alaska's North Slope oil fields supply almost 25 percent of our national petroleum production.

On September 30, 1990, the Export Administration Act of 1979 will expire and with it the vital restrictions governing the export of Alaska North Slope crude oil. Contained in section 7(d) of the act, these restrictions were first adopted in 1973 with the overwhelming support of Congress. They have received continued strong support from Congress each time they have come before us for renewal. Both the original 1973 TAPS Act and the subsequent revisions to what was later codified as section 7(d) allow the export of this vital national resources only if the President finds, and Congress agrees, that the proposed export clearly would serve the national interest, benefit U.S. consumers, and not diminish our overall petroleum supply.

Over the past 15 years, these restrictions have provided enduring benefits to the American people. When they were adopted, Congress realized the importance of relying to the maximum extent possible on domestic supplies of petroleum. The importance of that realization soon became apparent when we suffered two interruptions of our supply of imported oil. Those incidents made it clear that foreign oil could be used as a weapon to cripple our economy and influence our foreign policy. In short, they demonstrated that our national security depended on our energy security.

The domestic priority principles of section 7(d) have sent a message to other oil-producing countries that the United States remains determined not to squander a precious natural resource. As a result of the enactment of these principles, we have established the transportation infrastructure to move crude oil from Alaska to the lower 48 States and Hawaii. We have been able to reduce our reliance on OPEC and unstable Persian Gulf oil supplies. West Coast consumers have saved billions of dollars on gasoline, and we have been able to augment and preserve a domestic merchant marine that remains capable of supplying the oil requirements of our domestic economy and our armed forces.

With these considerations in mind, the Senator from Oregon [Mr. HATFIELD] and I are today introducing legislation to indefinitely extend in their current form the restrictions contained in section 7(d). As the sponsor of this provision in the Export Administration Act of 1979, I take this opportunity to remind my colleagues that it is as prudent today as it was when it was first adopted. Once again, we are facing oil import levels which have gone beyond 40 percent of domestic consumption and are estimated to reach 50 percent by the early 1990's. Should section 7(d) be weakened or allowed to lapse, our ability to respond to future oil disruptions would be sorely tested.

Accordingly, I am convinced that the current Alaska oil export restrictions should be retained. They may well be the measure of our security and economic independence for years to come.●

● Mr. HATFIELD. Mr. President, although the public's attention has begun to shift away from the *Exxon Valdez* oilspill off the coast of Alaska, we should not overlook the broader policy issues which the spill calls into question. Just as our environmental security in Prince William Sound has been jeopardized by the *Valdez* spill, so too is our Nation's energy security jeopardized by our reliance on finite fossil fuels like oil.

In the last several months, the United States has imported well over 40 percent of the oil we used to meet consumption demands. That figure is higher now than it was during the 1973-74 oil embargo. As of April, our trade deficit stood at over $8.2 billion. Almost half of that imbalance is due to our importation of oil.

Clearly, we must do two things. First, our Nation must do a better job of identifying and utilizing renewable energy sources. We cannot continue to rely on oil as a primary energy source. Second, we must do a better job of utilizing the oil resources that we have.

Given our responsibility to make the best use of our limited national resources, we should not be sending those scarce resources abroad. This was the reason that, as part of the 1973 legislation authorizing the construction of the Trans-Alaska Pipeline System, Congress established a policy of giving domestic use the first priority for Alaskan oil. That policy was codified as section 7(d) of the Export Administration Act in 1979.

Mr. President, the Export Administration Act will expire on September 30, 1990—and with it the provision limiting the exportation of Alaska North Slope crude oil. The bill that Senator RIEGLE and I are introducing today would reauthorize that provision.

Since its original enactment as part of the Alaska pipeline bill, this restriction has provided several benefits to our country. During the 15 years it has been in force, West Coast consumers have enjoyed lower gas prices and we have maintained a strong domestic merchant marine for our domestic economy and our Armed Forces. Most important, however, has been the impact on our domestic energy security.

Currently, the North Slope provides almost one-quarter of our national petroleum production. It stands to reason that commitments to supply any of that volume to foreign refiners would have been made up by increased foreign oil imports. During the 1970's, that was the last thing this country needed. The inherent linkage of our energy policy to our foreign policy would have been that much stronger. I need not remind my colleagues that, during the energy crunch of the late 1970's, President Carter indicated that he would consider using nuclear weapons to assure a stable supply of oil from the Middle East.

Since the provision's original enactment, Congress has repeatedly supported giving domestic users first priority when it comes to domestic oil production. I urge my colleagues to cosponsor this legislation in order to once-again affirm this policy. In an era where our country's energy security is very much in doubt, it is essential that Alaska oil export restrictions should be retained.●

By Mr. McCONNELL:

S. 1327. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, KY; to the Committee on the Judiciary.

FEDERAL DISTRICT COURT IN HOPKINSVILLE, KY

● Mr. McCONNELL. Mr. President, there are four counties in western Kentucky which currently suffer from undue delay and inconvenience in handling Federal court cases, because of

the difficulty in getting to Paducah or Bowling Green, where Federal district courts currently sit. These counties are: Todd County, Trigg County, Christian County, and Caldwell County.

The bill I introduce today on behalf of these counties is quite simple. It would establish a Federal court in Hopkinsville, which already has a magistrate, a federally approved jail, and an FBI office.

The people of Christian County, KY, and its surrounding counties of Trigg, Caldwell, and Todd have been severely burdened by the lack of a Federal district court within reasonable distance. Indeed, Christian County has the third largest population in the western district and generates a significant amount of litigation in Federal court. It is expensive and inconvenient for lawyers and their clients in the area to travel to Paducah or Bowling Green, the closest Federal district courts. Paducah, the site of the nearest court, is over 70 miles away from Christian County. The U.S. Government pays for the inconvenience as well, through the expense of transporting jurors, witnesses, attorneys, FBI agents, and other court personnel from Christian County to Paducah.

I propose to eliminate this expense and inconvenience by authorizing the Federal District Court for the Western District of Kentucky to sit in Hopkinsville. The beauty of this proposal is that the cost of such a change will be minimal. Office and judicial space, subject to remodeling, already exists. Hopkinsville already has a federally approved jail, a U.S. magistrate, and an FBI office.

Mr. President, I urge my colleagues to join me in bringing relief to the people of Christian County and the surrounding area. The simple act of authorizing the Federal district court to sit in Hopkinsville may seem very insignificant up here in Washington, but I guarantee you that it will mean the world to the Kentuckians it would relieve.

Finally, I would like to express my appreciation for a fine young lawyer from Hopkinsville, Ben Fletcher, who has worked very hard to bring the Federal district court to his city. Ben represents the best of his profession, as an astute lawyer with a strong sense of civic duty. I intend to work hard to have this bill passed, but if it does pass, a measure of the credit must go to Ben Fletcher.

Mr. President I ask unanimous consent that the bill be printed at this point in the RECORD.

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

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 97(b) of title 28, United States Code, is amended by inserting "Hopkinsville," between "Bowling Green" and "Louisville".●

By Mr. BOND (for himself, Mr. SIMON, Mr. GORE, Mr. RIEGLE, Mr. LEVIN, Mr. LAUTENBERG, Mr. KASTEN, Mr. NUNN, and Mr. DANFORTH):

S.J. Res. 177. Joint resolution to designate October 29, 1989, as "Fire Safety at Home—Change Your Clock, Change Your Battery Day"; to the Committee on the Judiciary.

FIRE SAFETY AT HOME DAY

● Mr. BOND. Mr. President, the leading cause of accidental death among children in this country is fire—the tragic result of half a million fires in homes.

Last year, when I introduced the fire safety at home day resolution, I described the tragic loss of two young sisters in an apartment fire in St. Louis. Their deaths might have been avoided had the two smoke detectors in their apartment been functioning.

This year, the Fire Safety at Home Day—Change Your Clock, Change Your Battery Program is placing special emphasis on raising the awareness of Americans to the special threat fires pose to children and to the elderly.

Fire safety at home day is an established program that was very successful last year. I have several letters from fire departments around the country, in the cities of Miami, Seattle, Chicago, Philadelphia, and St. Louis, all attesting to the effectiveness of the Change Your Clock, Change Your Battery Program. I ask unanimous consent that the joint resolution and the letters be printed in the RECORD.

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

S.J. RES. 177

Whereas every year, 500,000 fires ravage the homes of Americans, resulting in over 6,000 deaths and 300,000 injuries;

Whereas home fires are the leading cause of accidental death and serious injury among children in the United States;

Whereas senior citizens, families in substandard housing, and the physically and mentally disabled are at high risk of becoming victims of fire;

Whereas 3 out of 4 homes have at least 1 smoke detector, but an estimated one-half are inoperable because of worn or missing batteries;

Whereas the International Association of Fire Chiefs estimates that the annual practice of changing batteries in smoke detectors would save thousands of lives and billions of dollars in property damage;

Whereas the Congressional Fire Services Caucus, with its broad-based bipartisan membership, reflects the concern of Congress for fire safety and its dedication to making it an important national priority;

Whereas the designation of a special day to remind Americans to properly maintain their smoke detectors, timed to coincide with the autumnal return to Standard Time, would greatly diminish this human tragedy; and

Whereas October 29, 1989, is the day Americans in jurisdictions on Daylight Savings Time return their clocks to Standard Time: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 29, 1989, is designated as "Fire Safety at Home—Change Your Clock, and Change Your Battery Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe that day maintaining their homes' first line of defense against fire by changing the batteries in their smoke detectors when they reset their clocks to Standard Time.

ST. LOUIS FIRE DEPARTMENT,
St. Louis, MO, April 26, 1989.

MS. PAM EVANS,
Fleishman-Hillard, Inc.,
St. Louis, MO.

DEAR PAM EVANS: The other night when I changed my clock to daylight saving time I thought of you and the "Change Your Clock, Change Your Battery" program. What a great idea and program!

Being in the fire service, I witness the destructive power of fire daily. As Public Information Officer for the St. Louis Fire Dept., I attend all fire fatalities occurring in the city. I know what a fire can do to a home and family.

The St. Louis Fire Dept. is aggressively trying to reduce death and property loss caused by fire. That is why we are so enthused about your program and encourage you to continue with it.

The St. Louis Fire Dept. and Operation Safe Street will be starting another smoke detector program soon. It is our goal to place new and operational smoke detectors in every home in the city. I would hope your "Change Your Clock, Change Your Battery" program would reinforce our program.

Thank you for what you are doing and I hope to continue working on this worthwhile project with you.

Sincerely,

FRANK C. SCHAPER,
Batt. Chief, Public Information Officer.

CITY OF PHILADELPHIA,
April 24, 1989.

PAMELA EVANS,
Eveready Battery, Inc.,
St. Louis, MO.

DEAR MS. EVANS: I would like to take this opportunity to thank you and Eveready Classic Battery for sponsoring last year's "Change Your Clock—Change Your Battery Campaign."

We in the Philadelphia Fire Department are hoping that Eveready will again sponsor this very worthwhile promotion.

Last year, in Philadelphia, 104 citizens lost their lives to fire. This was the highest fire death total of the decade. Our investigations reveal that in most of these cases, the victim had no more smoke detector or if they were present, the batteries were either dead or missing.

The Philadelphia Fire Department continually stresses the importance of properly placed and maintained smoke detectors, along with a family home evacuation plan that can and will save lives.

The "Change Your Clock—Change Your Battery" campaign afforded us the opportunity to relay this message to hundreds of thousands of Philadelphians. Working with Ms. Bonnie Bartlett and the excellent staff

at Fleishman-Hillard, Inc., we were able to obtain great media coverage of the campaign. All major radio and television stations in our City, as well as neighborhood and daily papers covered our distribution of your batteries (in an area of the City which had experienced a high rate of fire deaths).

We hope that we will be given the opportunity to again participate in this very worthwhile cause.

Sincerely,

ROBERT C. WAUHOP,
Deputy Chief, Fire Prevention Division.

CITY OF CHICAGO,
April 19, 1989.

MS. PAM EVANS,
Eveready Classic Brand Battery,
St. Louis, MO.

DEAR MS. EVANS: On behalf of the citizens of Chicago and the Chicago Fire Department's Public Education Unit, I would like to thank the Eveready Classic Brand Battery Company for your sponsorship of the 1988 Change Your Clock, Change Your Battery campaign we held in Chicago.

Through your donation of batteries, we were able to canvass two areas of the city; one area with a high concentration of senior citizens, and one area where we experienced a great number of fire related deaths. These canvasses also allowed us to install donated smoke detectors in homes where we found either no smoke detectors, or smoke detectors which were inoperable even after battery replacement.

Should the Eveready Classic Brand Battery Company wish to sponsor this public service once again in our community, we would be glad to assist you in doing so.

If you have any questions, please feel free to contact me at (312) 744-1699.

Sincerely,

JOHN SCHNEIDWIND,
Director, Public Education.

CITY OF SEATTLE,
April 20, 1989.

PAM EVANS,
Product Manager, Eveready Battery Co.,
St. Louis, MO.

DEAR MS. EVANS: On behalf of the Seattle Fire Department, I would like to extend our thanks to the Eveready Battery Company for providing us with the opportunity to take part in the "Change Your Clock, Change Your Battery" fire safety campaign. I believe the campaign was very successful in our area considering it was the first time the program was conducted. I strongly urge the Eveready Battery Company to support "Change Your Clock, Change Your Battery" as an annual event.

With additional lead time, we can coordinate efforts in promoting the "Change Your Clock, Change Your Battery" campaign with fire service organizations throughout the Seattle area market. Fire service organizations in this area have a very successful record of working together on projects such as this. I believe regional involvement and support for the campaign will significantly increase its effectiveness.

Although we are able to organize local efforts to promote the campaign, your role in providing printed materials, advertisements, a celebrity spokesperson and supplies and materials for our volunteer "Care Squad" members was extremely important. It was also very helpful for us to be able to have personal assistance from individuals at Fleishman Hillard Inc. They were extremely cooperative and responsive to our needs.

Proper maintenance of smoke detectors is instrumental in providing a level of safety for the citizens we serve. We look forward to hearing if you will again be sponsoring the "Change Your Clock, Change Your Battery" program. We are ready to begin work as soon as possible to ensure its success again this fall.

Very truly yours,

JOHN R. CHURCH,
Acting Chief, Seattle Fire Department.

CITY OF MIAMI,
April 21, 1989.

MS. PAM EVANS,
Eveready Battery Co.,
St. Louis, MO.

DEAR MS. EVANS: On behalf of the Miami Fire Department and the residents of the City of Miami, I would like to thank your company for the outstanding contribution you have made to fire safety through the "Change Your Clock, Change Your Battery" Campaign.

We were so pleased to be able to participate in this life saving effort which has helped us in raising the awareness level of our citizens. The valuable news media coverage of the activities surrounding this campaign served us well by getting the message to thousands within the community.

What a natural tie in to the fall time change ritual. This is the type of program which will continue to serve as a reminder to do a simple task known to save lives. It is our hope to continue our involvement with this program in the future.

Again, thank you for your efforts to help us in the fire service to save lives and property through public education.

Yours for a fire safe tomorrow,

Chief C.H. DUKE,
Director,
Fire, Rescue, and Inspection Services.●

By Mr. PELL (for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFEE, Mr. MCCAIN, and Mr. WILSON):

S.J. Res. 178. Joint resolution to express United States support for the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh; to the Committee on Foreign Relations.

DISPUTE OVER NAGORNO-KARABAGH

Mr. PELL. Mr. President, today I am introducing with Senators SIMON, PRESSLER, LEVIN, CHAFEE, MCCAIN, and WILSON, legislation concerning the situation in Soviet Armenia.

Last December, the world turned its attention to Armenia when a tragic earthquake struck the region, leaving thousands dead, injured, and homeless. We witnessed a great international outpouring of compassion and assistance to the earthquake victims. Although the most costly in terms of physical destruction, the earthquake was but one of many tragedies that the Armenian people have confronted throughout the years. In the face of such hardship, the Armenian people have demonstrated consistently their strong will and resilience, and as a tribute to the ties that bind Armenians and Americans, the people of Armenia have relied on the support of the United States at each step along the way.

While Armenians continue to rebuild their homeland after the earthquake, some of their people suffer hardship of another kind. At issue is the status of the Nagorno-Karabagh region—an area located to the south of the Caucasus Mountains, rich in mineral deposits and prime farm land. Since 1923, ethnic discrimination and economic oppression have been the fate of the Armenian population of Nagorno-Karabagh. The status of the region is a matter of ongoing concern for the people of the Armenian and Azerbaijani Soviet Republics; the people of Nagorno-Karabagh await a just solution.

To date, attempts to resolve the situation have not met with much success, but rather with repression and even bloodshed. There are some signs of hope, however. The eleven members of the Karabagh Committee—spokespersons for the Armenian popular movement—have recently been released from prison. In addition, Soviet President Gorbachev has met with the Armenian delegates to the Congress of People's Deputies to hear their views.

The United States must demonstrate its continued support for the Armenian people by encouraging the Soviet Government to hear Armenia's calls for increased respect for human rights and for a fair resolution of the contentious issue of Nagorno-Karabagh. As we witness the physical reconstruction of Armenia, I would urge President Gorbachev to rebuild Armenia on a different, albeit more difficult level. He must bring his promises of openness and reform to fruition for the people of Armenia. The legislation I am introducing encourages President Gorbachev to take such steps. Accordingly, I urge my colleagues to support this measure and ask unanimous consent that it be printed in the RECORD at this point.

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

S.J. RES. 178

Whereas the people of the United States have strong historical and cultural ties with the people of Armenia;

Whereas the Armenian people have been subjected to ethnic discrimination, cultural oppression and economic adversity;

Whereas portions of Armenia were totally devastated by a massive earthquake on December 7, 1988, where, according to official Soviet reports, more than 25,000 Armenians were killed, more than 100,000 were injured more than 500,000 were left homeless, and tens of thousands of children were orphaned;

Whereas the Government and the people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and the overall reconstruction of those areas affected by the earthquake;

Whereas in the face of such hardship and adversity, the Armenian people continue to exhibit their strong will and resilience;

Whereas the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republic;

Whereas the Soviet Government has termed the killings of Armenians on February 28-29, 1988, in Sumgait, Azerbaijan "pogroms;"

Whereas the Special Administrative Committee set up by the Soviet Government to stabilize the Nagorno-Karabagh region has proven ineffective in that mission, giving rise to further dissatisfaction among Karabagh Armenians, who constitute the overwhelming majority in the region;

Whereas the Karabagh Committee spokespersons for the popular movement in Armenia, had been jailed for nearly six months before their release on May 31, 1989; and

Whereas continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have led to massive demonstrations and unrest in this area that are continuing to this day: Now, therefore, be it

Resolved, That it is the sense of the Congress that the United States should—

(1) Continue to support and encourage the reconstruction effort in Armenia;

(2) encourage Soviet President Gorbachev to continue a dialog with the Armenian representatives to the Soviet Congress of People's Deputies;

(3) encourage Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands for reunification with the Armenian homeland and with the leadership of Armenia's prodemocracy movement, which includes the recently released Karabagh Committee;

(4) promote in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno-Karabagh, which fairly reflects the views of the people of the region; and

(5) urge in its bilateral discussions with the Soviet Union that investigations of the violence against Armenians be conducted at the highest level of the Soviet judiciary, and that those responsible for the killing and bloodshed be identified and prosecuted.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

Mr. SIMON. Mr. President, I am pleased to join with Senator PELL in offering this joint resolution expressing our support for a peaceful and fair settlement in Nagorno-Karabagh in the U.S.S.R. Nagorno-Karabagh is located in Soviet Azerbaijan, but is populated mostly by ethnic Armenians. The civil strife there has been terrible, and even the Soviet Government has termed the violence against the Armenians there as "pogroms."

Several months ago I put together a Senate letter to President Gorbachev asking him to look into the charges against the 11 members of the Karabagh Committee. We had 57 signatures on that letter, and I am pleased to say that just recently the Soviet authorities released the Karabagh Committee.

The Armenians who make up the Karabagh Committee are fighing for the rights of their brethren in Nagorno-Karabagh. Our resolution will help their struggle. It calls for Gorbachev to engage in a dialog with Armenian delegates to the new Congress of People's Deputies, and it encourages him to give serious consideration to the idea of reuniting Nagorno-Karabagh with Soviet Armenia. The resolution also urges bilateral discussions between the United States and the U.S.S.R. to see that the perpetrators of violence against Armenians inside the Soviet Union's borders are brought to justice.

It is important that the people of Armenia, and especially the Armenians inside Nagorno-Karabagh, be made aware of our concern for their plight. I urge my colleagues to cosponsor this joint resolution.

ADDITIONAL COSPONSORS

S. 110

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 110, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator frrom New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of state energy conservation programs carried out pursuant to such act, and for other purposes.

S. 658

At the request of Mr. PELL, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 658, a bill to amend the Carl D. Perkins Vocational Education Act of 1984 to authorize appropriations for fiscal year 1990 and succeeding years, and for other purposes.

S. 933

At the request of Mr. HARKIN, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 979

At the request of Mr. DASCHLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 979, a bill to provide grants for designating rural hospitals as medical assistance facilities.

S. 1059

At the request of Mr. HATFIELD, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 1059, a bill to amend and enhance existing renewable energy programs and Federal trade and export promotion programs in order to promote the United States renewable energy industry, improve the trade balance of the United States, and maintain the competitive and technical leadership of the United States in renewable energy development and trade.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service—connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

S. 1163

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

S. 1232

At the request of Mr. WALLOP, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1232, a bill to honor the world's most recent heros in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park".

S. 1291

At the request of Mr. PELL, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1291, a bill to extend and amend the Library

Services and Construction Act, and for other purposes.

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. SIMON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 47, a concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa.

SENATE RESOLUTION 153—RELATING TO AID TO POLAND

Mr. ROTH submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 153

Whereas the country of Poland, with its historical and ethnic ties to the United States, has, by recognizing the free trade union of Solidarity, and by holding open elections for some seats in its parliament, taken a major step away from Communism and toward Democracy;

Whereas such progress represents a significant step toward freedom, and hope for all peoples in the Eastern European nations;

Whereas economic progress demands a healthy private sector, and that currently none such is allowed, neither by the Polish government nor its legal establishment;

Whereas a healthy private sector demands capital formation;

Whereas the President of the United States has announced his intention to seek $100 million from Congress for a special fund to underwrite private business projects;

Whereas this $100 million appropriation from Congress could be leveraged to $500 million for investment in Polish private enterprise by using it to collateralize and guarantee a bond issuance; and

Whereas the pride and tremendous legacy of support of the American-Polish community for its native homeland and relations could support such a bond issuance: Now, therefore, be it

Resolved, That it is the Sense of the Senate that a Polish-American Equity Fund will be created through the appropriation by Congress of $100 million to establish and collateralize a low-interest, tax-advantaged bond issuance, and that the President shall establish such equity fund, which is dedicated to private, rather than public, sector investments in Poland; and

That such investment requires the establishment of a legal framework to facilitate such concerns.

Resolved further, That the Overseas Private Investment Corporation expand its efforts through the Opportunity Bank program to match American business expertise and investment with Polish private sector initiatives.

Mr. ROTH. Mr. President, on a daily basis, we are receiving exciting news concerning President Bush's diplomatic mission into the Eastern bloc. We are encouraged by the dawning of democratic elections and the improvements of human rights in countries like Poland and Hungary. And America—as it has throughout history—stands ready and willing to promote peaceful passage to freedom for these countries and their peoples.

Concerning Poland, specifically, we are fortunate to boast a strong, viable, stalwart culture of Polish-Americans—men and women who began contributing to this country in the Revolutionary War—a thousand of them like the hero Casimir Pulaski—to the men and women who serve today in our homes, businesses, professions, factories, and in government.

Like many Americans whose ties take them back to another land, and whose many family members still live in the old country, Polish-Americans have a tremendous loyalty to Poland—a loyalty that has translated time and again into tangible, economic, and material support, either from family to family, or through organizations such as churches. I am certain that these Americans are anxiously awaiting the political transformation that is flowing out of the shipyards of Gdansk like the tide itself.

As well, these Polish-Americans are looking for a way to help—a way to help America help—a way to promote economic reform and freedom in their motherland.

And to this end, I am today submitting a resolution stating that it is the sense of this Senate that some—or all—of the $100 million in aid to Poland be used to capitalize an equity fund through the sale of bonds for investment in private—and I emphasize private—Polish enterprises.

Administered correctly, Mr. President, the money—up to the $100 million appropriation sought by our President—could be leveraged to $500 million by using it to collateralize and guarantee a bond issuance. These bonds would be open for sale to all people in the United States, and even to people of other nations. But specifically they would allow the strong Polish-American community—a community recognized for its powerful ethnic ties and love of homeland—with the opportunity to give directly toward the liberation of Poland.

My resolution also indicates that it is the sense of the Senate that this investment is based on the establishment of a legal framework to facilitate private sector initiatives.

Mr. President, the concept behind this sense-of-the-Senate resolution is simple. Rather than looking for government to finance government, we are allowing private enterprise to finance private enterprise. Using our taxpayer's $100 million as collateral for a low-interest, tax-advantaged bond issuance, we are putting our faith in the market system that has provided democracies throughout the world with the most dynamic economies in history—the same market system the Polish people are presently seeking, and the very same system that will provide for the peaceful transition to democracy for the country of Poland.

Of course, we must exercise caution—as caution must always be exercised in the arena of global diplomacy. And interestingly enough, leaders of the Polish-American community are the first to offer this warning. We must not fail to remember that the Soviet Union, with its very skillful leader and powerful Politburo, still controls its satellite nations. We must remember that none of these devout Marxists in Moscow has conceded to communism's failure around the globe. None has suggested that its philosophies are fallacious, misleading, and delusory. On this side of the Iron Curtain we are quick, of course, to project our own optimism on the events taking place—with the respective visits of President Gorbachev to the West and President Bush to the East—and we are quick to interpret the whys and wherefores according to our own desires for the way we would like things to be.

While this optimism is healthy, let no one believe the rift between communism and democracy has been resolved. It has not, and until such peaceful transition can take place, we must keep in mind that at its very core communism is expansionistic, and by its very nature it is the antithesis of democracy and democracy's objectives of human rights and self-determination.

Now, with these conditions stated, let me also be clear that there is a good reason to be positive about the political change taking place in countries like Poland and Hungary. It serves the United States to do all it can—within the means it has—to support the change taking place in these Eastern nations. It serves the United States to offer assistance to the heroes of these revolutions, the bold champions of free enterprise and political reform—just as it served the French well to loan 40 million livres to our struggling Revolution in 1776.

Incidentally, Mr. President, that 40 million livres had a tremendous impact on the French economy at that time—just as any money we provide in this time of deficits will impact our own.

But as we know, the blessings of freedom always come after the sacrifices of those who love it most, and to this end, we should support the intentions of our President to provide financial assistance to these countries. With that money, what a great opportunity we could present to our Polish-Americans by setting up this equity fund. It would provide the seed money

necessary for people here—and even people in free countries throughout the world—to help people there. It would provide these people with a vehicle to raise hundreds of millions more than what our President is asking—and we must provide a way to see that this money gets into the hands of free businessmen.

This, Mr. President, is our real objective.

AMENDMENTS SUBMITTED

STATE DEPARTMENT AUTHORIZATION

MOYNIHAN AMENDMENT NO. 268

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

Beginning on page 10, after line 18, insert the following:

SEC. 111. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.—

"(a) PROHIBITION.—(1) Whenever any provision of United States law enacted on or after the date of enactment of the Foreign Relation Authorization Act, Fiscal Year 1990, expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual, then—

"(A) no officer or employee of the United States Government may solicit the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, and

"(B) no United States assistance shall be provided to any third party,

if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited.

"(2) As used within the meaning of paragraph (1)(B), assistance which is provided for a particular purpose includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further that purpose.

"(b) PENALTY.—Any person who violates the provision of subsection (a)(1)(A) (relating to solicitation) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

"(c) APPLICABILITY.—The provisions of this section shall not be superseded except by a provision of law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'person' includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

"(2) the term 'United States assistance' means—

"(A) assistance of any kind under the Foreign Assistance Act of 1961;

"(B) sales, credits, and guaranties under the Arms Export Control Act;

"(C) export licenses issued under the Arms Export Control Act; and

"(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

"(3) the term 'United States assistance account' means an account corresponding to an authorization of appropriations for United States assistance.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States.".

HELMS (AND OTHERS) AMENDMENT NO. 269

Mr. HELMS (for himself, Mr. KERRY, Mr. BOND, Mr. D'AMATO, Mr. COATS, Mr. PRESSLER, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. KASTEN, Mr. GRAMM, Mr. NICKLES, Mr. THURMOND, and Mr. WILSON) proposed an amendment to the bill S. 1160, supra, as follows:

SEC. . PROHIBITION ON NEGOTIATIONS WITH TERRORISTS RESPONSIBLE FOR AMERICAN DEATHS.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by adding before the period at the end thereof, the following: ", except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.".

GRASSLEY AMENDMENT NO. 270

Mr. GRASSLEY proposed an amendment to amendment No. 269 proposed by Mr. HELMS (and others) to the bill S. 1160, supra, as follows:

In the pending amendment, strike all after "authorized" and insert in lieu thereof: "to be appropriated in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.".

MITCHELL (AND DOLE) AMENDMENT NO. 271

Mr. MITCHELL (for himself and Mr. DOLE) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place, insert the following:

POLICY TOWARD ADDITIONAL SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA

(a) IN GENERAL.—The Senate hereby—

(1) condemns the Government of the People's Republic of China for carrying out massive arrests and numerous executions of students and workers who participated in the prodemocracy movement in that country;

(2) commends the President for taking additional measures against the Government of the People's Republic of China in response to those arrests and executions; and

(3) urges additional measures be taken against the Government of the People's Republic of China to discourage additional arrests and executions.

(b) ADDITIONAL MEASURES.—It is the sense of the Senate that—

(1) the Export-Import Bank of the United States should immediately postpone approval of any application for financing United States exports to the People's Republic of China;

(2) under the direction of the Secretary of the Treasury, the United States executive directors of the appropriate international financial institutions should oppose the extension of loans or any other financial assistance by such institutions to the People's Republic of China;

(3) the President should immediately review—

(A) the advisability of continuing to extend most-favored-nation (MFN) trade treatment to Chinese products;

(B) all bilateral trade agreements between the United States and the People's Republic of China;

(C) the bilateral commercial agreements governing Chinese-American cooperation on satellite launches; and

(D) the Chinese-American Agreement for Cooperation on the Peaceful Uses of Atomic Energy, signed at Washington on July 23, 1985; and

(4) the President should consult—

(A) with the allies of the United States at the upcoming Economic Summit regarding the feasibility of adopting a collective economic response to the recent, tragic events in China;

(B) with Members of the Coordinating Committee on Exports to Communist Countries (COCOM) regarding the suspension of any further easing of export controls with respect to China and for the purpose of reviewing the current favorable treatment accorded to high technology exports to the People's Republic of China; and

(C) with the other signatories of the General Agreement on Tariffs and Trade (GATT) for the purpose of reviewing the People's Republic of China's observer status at meetings on GATT and reassessing the People's Republic of China's right to accede to GATT.

(c) HUMAN RIGHTS.—

(1) The President should emphasize to the government of the People's Republic of China that an important factor in our relationship will be the degree to which they recognize the Chinese and Tibetan peoples' legitimate desires for democracy, human rights and simple justice.

(2) It is the sense of the Congress that:

(a) The President should ask the United Nations Commission on Human Rights to initiate an investigation into the condition of human democratic rights in China including Tibet; and that

(b) the President should convey to the Government of the People's Republic of China that the lifting of martial law, the release of political prisoners, and the opening of Tibet to foreigners is a critical factor in the future improvement of relations.

(c) Towards Hong Kong the President and the Secretary of State should convey to the People's Republic of China the importance of living up to its international undertaking with respect to the 1984 Joint Declaration for the future prosperity and stability of Hong Kong. The Secretary of State should advise the United Kingdom of the United States continuing concern about the absence of guarantees of free direct elections and human rights in the Joint Declaration.

(d) SUSPENSIONS.—

(1) OVERSEAS PRIVATE INVESTMENT CORPORATION.—The Overseas Private Investment Corporation shall suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China for a period of six months from the date of enactment of this Act unless the President makes a report under subsection (e) of this section.

(2) TRADE AND DEVELOPMENT PROGRAM.—The President shall suspend the use of any funds made available to carry out, section 661 of the Foreign Assistance Act of 1961, for activities of the Trade and Development Program with respect to the People's Republic of China for a period of six months from the date of enactment of this Act. Unless the President makes a report under subsection (e) of this section.

(3) MUNITIONS EXPORT LICENSES.—The issuance of licenses under section 38 of the Defense Trade and Export Control Act for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall, subject to the subsection (e), continue to be suspended unless the President makes a report under subsection (e) of this section.

(4) CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.—The issuance of any license under section 6(k) of the Export Administration Act of 1979 for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (e) of this section.

(5) EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China, whose export is subject to section 36(c) of the Arms Export Control Act on September 12, 1988 shall be suspended unless the President makes a report under subsection (e) of this section.

(6) NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA. —(A) Any—

(i) application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended.

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57 b. (2) of the Atomic Energy Act of 1954 shall not be given,

until—

(I) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

(II) the President has made the certifications and submitted the report required by Public Law 99-183; and

(III) the President makes a report under subsection (e) of this section.

(B) For purposes of this paragraph, the term "Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985.

(7) LIBERALIZATION OF EXPORT CONTROLS.—The President shall negotiate with the governments participating in the group known as the Coordinating Committee to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979, including—

(A) the implementation of bulk licenses for exports to the People's Republic of China; and

(B) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (B), until the end of the 6-month period beginning on the date of enactment of this Act, or until the President makes a report under subsection (c) of this section, whichever occurs first.

(e) TERMINATION OF SUSPENSIONS.—A report referred to in subsection (d) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the entire country, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national interest of the United States to terminate a suspension under paragraph (1), (2), (3), (4), or (5), to terminate a suspension or disapproval under paragraph (6), or to terminate the opposition required by paragraph (7), as the case may be.

(f) APPLICABILITY OF SUBSECTION (d)(3).—The suspension set forth in subsection (d)(3) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(g) REPORTING REQUIREMENT.—It is the sense of the Senate that, 30 days after the date of enactment of this Act, the President should inform the Congress of—

(1) the results of his review of the bilateral relationship between the United States and the People's Republic of China and of his consultations with the major allies of the United States regarding each ally's economic, commercial, and security relations with the People's Republic of China, as called for by Senate Resolution 142 (adopted June 6, 1989); and

(2) his actions pursuant to subsection (c).

HEINZ (AND OTHERS) AMENDMENT NO. 272

Mr. HEINZ (for himself, Mr. WIRTH, Mr. SPECTER, and Mr. WILSON) proposed an amendment to the bill S. 1160, supra, as follows:

On page 103, after line 23, add the following:

SEC. 633. MULTILATERAL DEVELOPMENT BANKS AND DEBT-FOR-NATURE EXCHANGES.

(a) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall direct the United States Executive Directors of the multilateral development banks to—

(1) negotiate for the creation in each respective multilateral development bank, except where the Secretary determines that the provisions of this subsection have previously been met, of a department that will be responsible for environmental and resource conservation, including sustainable development and debt-for-nature exchanges (as described in subsection (b)), and that will develop and monitor strict environmental guidelines and policies to govern lending activities;

(2) seek to provide funds for debt reduction, including but not limited to the purchase of debt on the secondary market; and

(3) report annually to the Secretary on the progress made in implementing this subsection;

(4) shall seek to support, with other Executive Directors of the multilateral development banks, the reduction of the burden of debtor countries' debt service for those debtor developing countries which demonstrate commitment to sustainable development policies.

(b) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTOR TO THE WORLD BANK.—In addition to the provisions of subsection (a), the U.S. Executive Director to the World Bank will support developing debtor nations in exchanging debt for sustainable development projects by promoting a role for the World Bank to act as an informational agent for debt-for-nature exchanges, and by helping non-governmental organizations to propose projects and to otherwise access World Bank investments. Provided further, that the U.S. Executive Director to the World Bank shall support the use of environmental policy loans from the World Bank, a portion of which may be used for debt-for-nature exchanges.

(c) IMPLEMENTATION OF DEBT-FOR-NATURE EXCHANGES.—(1) Each department referred to in subsection (a) will actively promote, coordinate, and facilitate debt-for-nature exchanges.

(2) Each such department will promote the preservation, protection, and sustainable development of tropical rain forests, renewable natural resources, endangered ecosystems and species in debtor countries by assisting these countries in reducing and restructuring their debt burden. Each such department—

(A) will include environmental considerations in loan agreements that the respective multilateral development bank negotiates with debtor countries;

(B) will assist in provision of funds for debt reduction, including but not limited to the purchase of debt on the secondary market.

(3) Support for debt-for-nature exchanges would be conditioned upon the debtor country providing budgetary resources for use in the preservation, protection, and sustainable development of tropical forests, renewable natural resources, ecosystems and species. The debtor country would be required to use the budgetary resources provided in at least one of the following programs:

(A) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(B) restoration, protection, or sustainable use of diverse animal and plant species;

(C) establishment, restoration, protection, and maintenance of parks and reserves;

(D) development and implementation of sound systems of natural resource management;

(E) development and support of local conservation programs;

(F) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation effforts;

(G) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(H) design and implementation of sound programs of land and ecosystem management; and

(I) promotion of regenerative approaches in farming, foresty, and watershed management.

(4) Each such department will encourage debtor countries to collaborate with local and international non-governmental or private organizations when implementing these programs.

(d) GUIDELINES.—For purposes of policies undertaken by multilateral development banks, as described in this section, and for purposes of debt reduction under section 631, sustainable development shall be considered as a policy which shall—

(1) support development that maintains and restores the renewable natural resource base so that present and future needs of debtor countries' populations can be met, while not impairing critical ecosystems and not exacerbating global environmental problems;

(2) be environmentally sustainable in that resources are conserved and managed and used primarily by the local population in an effort to remove pressure on the natural resource base and to make judicious use of the land so as to sustain growth and the availability of all natural resources;

(3) support development that does not exceed the limits imposed by local hydrological cycles, soil, climate, vegetation, and human cultural practices;

(4) promote the maintenance and restoration of soils, vegetation, hydrological cycles, wildlife, critical ecosystems (tropical forests, wetlands, and coastal marine resources) biological diversity and other natural resources essential to economic growth and human well-being and shall, when using natural resources, be implemented to minimize the depletion of such natural resources, and

(5) take steps, wherever feasible, to prevent pollution that threatens human health and important biotic systems and to achieve patterns of energy consumption that meet human needs and relies on renewable sources.

(e) DEFINITIONS.—For purposes of this section, the term "multilateral development banks" refers to the International Bank for Reconstruction and Development (also known as the "World Bank") the Inter-American Development Bank, the International Development Association, the African, Development Bank, and the Asian Development Bank; the term "Secretary" refers to the Secretary of the Treasury except where the Secretary of State is specifically referenced.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKET AND PRODUCT PROMOTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Domestic and Foreign Market and Product Promotion of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Friday, July 14, 1989, at 10:30 a.m. to hold a hearing on research and promotion legislation.

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

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Friday, July 14 at 9 a.m. and 2 p.m. in executive session to mark up S. 1085, the Department of Defense authorization bill for fiscal years 1990-91; to receive a report from the Senate Select Committee on Intelligence; and to possibly act on certain pending military nominations and other nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the subcommittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 14, 10 a.m. to receive testimony from the administration on S. 710, S. 711, and S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 14, 1989, at 9:30 a.m. to hold a hearing on S. 1277, legislation requiring the approval of future airline acquisitions and takeovers by the Secretary of Transportation.

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

ADDITIONAL STATEMENTS

A DRIVING FORCE

● Mr. SHELBY. Mr. President, it is with a great deal of pleasure that I bring to the attention of my colleagues in the Senate a man whose work for the State of Alabama has earned him a unique honor. Mr. President, on May 16, 1989, my hometown of Tuscaloosa, AL, honored Lawrence "Larry" Mund by proclaiming "Larry Mund Recognition Day" and by designating the transit authority's downtown Tuscaloosa bus transfer point the "Lawrence 'Larry' Mund Terminal" in his honor. The Tuscaloosa Metro Transit System, the Tuscaloosa City Council, the Northport City Council and the people of Tuscaloosa joined forces to recognize the contributions of a man who has dedicated himself to insuring reliable and safe transportation for the city of Tuscaloosa for over 17 years.

Those of us who live in cities, whether in Washington, Tulsa, Manhattan, or Tuscaloosa, depend on the availability of public transportation. It seems that the only time transportation authorities ever hear from their passengers is when public transportation experiences delays or other problems. No one ever thinks to commend local transportation officials for meeting the needs of so many citizens by providing safe service. On May 16, 1989, however, Tuscaloosa realized that the work of one man played a large role in bringing this city's public transportation system up to speed.

Larry Mund worked with only one goal in mind. To serve the people of Tuscaloosa by providing the highest level of public transportation possible. Due to his tireless efforts, commitment and leadership the parking and

transit authority is now a reliable, functional public transit facility and a valuable resource to the approximately 200,000 passengers it served in 1988 alone.

Mr. President, the Tuscaloosa News in an editorial dated May 18, 1989, referred to Larry Mund as "a driving force" and I can think of no better way to characterize his work for the city of Tuscaloosa. I know I join with Larry's wife, Phyllis, and his three lovely daughters and their families in sharing their pride in Larry's accomplishments and his impact on Tuscaloosa. I am proud to serve as one of Larry's representatives in Washington and even prouder to call him my friend.●

THE DROUGHT

● Mr. DURENBERGER. Mr. President, I rise today to express my deep concern with the deteriorating crop conditions existing in much of the Nation's breadbasket.

Over the last 2 weeks, much of the Nation's breadbasket has been seared by extreme heat and insufficient rainfall. The thriving crops that covered Minnesota in mid-June are wilting under this heat wave. In the western portion of my State, swarms of grasshoppers are devouring the crops. Already, some fields have suffered significant irreversible losses of yield potential. While additional serious drought damage still remains.

For Minnesota, which has suffered as other States have this year, the drought is severe. Compared to last year, a larger portion of my State has virtually no subsoil moisture available to sustain crops stressed by extreme heat. The lack of subsoil moisture means that crops need 1 to 2 inches of rain a week to avoid additional yield reductions. Unfortunately, given the normal July and August rainfall patterns additional crop production losses are likely to occur.

The consequences of this year's drought may be more severe than last year. A year ago, Minnesota farmers as well as our Nation as a whole entered the 1988 crop year with substantial reserve stocks of grain and forage. These reserves allowed most farmers to partially offset their 1988 crop losses by drawing on their previous years' surpluses. But now, most farmers have liquidated most of their reserves. Thus if the drought continues unabated, our Nation may actually face a shortfall of agricultural commodities needed to meet domestic and export needs.

Mr. President, a year ago, the Federal Government passed the Disaster Assistance Act of 1988. This act, in conjunction with existing reserve stocks of grain and forage, minimized the economic damage potential of the 1988 drought. The act was a "godsend" not only for the farmers and rural communities of my State, but to the Nation as a whole. Unfortunately, the weather which destroyed a significant portion of the 1988 crop has persisted into 1989. Now the Nation is facing a second year of substantially reduced crop production and if similar and updated assistance provisions are not offered to American farmers, serious economic harm could spread from our Nation's farms and rural communities into our Nation's general economy. My worst fear is a scenario where our Nation is unprepared to cope with drought conditions that persist through the end of the 1989 crop year and into the 1990 crop year. Therefore, I urge my colleagues and the administration to look at the long-term ramifications which might develop if we fail to prepare adequate contingency plans for American agriculture.

In summation, I am growing alarmed and concerned with the continuance of crop damaging weather conditions in 1989. The back-to-back major drought conditions which experts once confidently assured would not occur is now problematic. While I am sensitive to the immediate financial needs of farmers who lost their winter grain crops, I think it is poor public policy to ignore the needs of other farmers and rural communities who are watching their crops wither this summer. Therefore, I urge my colleagues on the Senate Agriculture Committee to provide expeditious assistance to farmers who lost much of their winter crops contingent on ensuring that there is a comparable and sufficient safety net provided to all farmers suffering from extensive crop losses in 1989. In addition, I request that the administration prepare and disseminate contingency plans and commodity program options which the Department of Agriculture can implement to minimize the economic hardships and potential disruptions that may occur if drought conditions continue to persist.

Finally, I acknowledge that I may be asking a lot. However, given the stakes at hand and the growing chances that our Nation could face agricultural commodity supply conditions in the spring of 1990 which were never anticipated in the fall of 1985, such a commitment is expected by farmers, rural communities, and the American public.●

POLITICAL STATUS OF PUERTO RICO

● Mr. MOYNIHAN. Mr. President, early last spring Senators JOHNSTON, MCCLURE, and SIMON introduced S. 712, a bill "to provide for a referendum on the political status of Puerto Rico." This is a bill of the uttermost importance to the people of the commonwealth, and of no less moment to the American union.

The bill provides for a referendum to be held in 1991 presenting the choice of statehood; independence; or commonwealth status. In the event that no status option obtains a majority, there will be a runoff.

In his State of the Union Message, President Bush indicated his firm support of statehood, as does the just previous Governor of Puerto Rico, Romero Barcelo. The present Governor of Puerto Rico, the Honorable Rafael Hernandez Colon, is a supporter of "enhanced" commonwealth status. There are, of course, many supporters of independence.

There are many considerations involved. Obviously. Absolutely central, however, will be the tax provisions associated with the respective choices. I need not spell out for the Senate the importance, for example, of section 936 of the Internal Revenue Code which provides extraordinary tax incentives for manufacturing firms located on the island. Perhaps a third of Puerto Rican employment is attributable to "936" benefits. There is a great variety of tariff questions to be dealt with, maritime statutes, excise taxes, and the like. The Social Security law and related social welfare measures are of transcendent importance to Puerto Ricans as they are to all American citizens. Each of the three options that are to be presented to the people of Puerto Rico will entail different provisions with respect to these matters.

With these decisions in the offing, I have been assembling materials that I hope will be of use to the Finance Committee when we settle down to fill in the blanks having to do with the duration of present statutes and such like matters which will be referred to us by the Committee on Energy and Natural Resources.

Imagine our consternation, then, when the Treasury Department, testifying before the Energy Committee yesterday morning, stated that it saw no reason why our plebiscite bill should be "encumbered at this stage" by any specifics concerning the tax and financial provisions that would accompany the three options.

We are evidently to ask the people of Puerto Rico to make their decision in the dark. They are evidently not to know in advance whether, for example, statehood would mean the end of section 936 tax benefits or not; not to know whether "enhanced" commonwealth status will bring equal social welfare benefits to Puerto Rico, or perhaps yet further restricted ones. They are not to know anything about the very questions which will be most on the minds of the voters.

If the Treasury Department's position was not so transparently untenable, one would be forced to suspect that it is deliberately perverse. That

somewhere in the upper echelons of the Department there are persons determined to thwart the President's state of the Union commitment.

This is not something the Congress can settle. But one would surely advise the President do so, and quickly, on his return from Paris. For obviously no plebiscite can go forward if the Treasury position remains that of the executive branch.

Mr. President, I ask to reproduce the opening portion of the testimony of Kenneth W. Gideon, Assistant Secretary—Tax Policy, U.S. Department of the Treasury, before the Senate Energy Committee.

The excerpt follows:

TESTIMONY OF KENNETH W. GIDEON

Mr. Chairman and Members of the Committee: It is a pleasure to be here today on behalf of the Administration, to discuss S. 712, a bill "To Provide for a Referendum on the Political Status of Puerto Rico." This bill would give the people of Puerto Rico an historic opportunity to vote upon the status of that island. The bill would provide for a referendum, to be held in 1991, in which the Puerto Rican people could decide among the options of statehood, independence, or commonwealth status.

The Administration strongly supports the right of the people of Puerto Rico to decide for themselves on the status of the island. Further, as the President has noted a number of times, he favors the admission of Puerto Rico to the Union as a state, thereby assuring the people of Puerto Rico an equal standing with other United States citizens. However, by providing for a status referendum, the United States Government would be assisting the Puerto Rican people to exercise the basic political right to determine the nature of their government.

The choice facing the people of Puerto Rico is fundamentally a political one, with long-term implications for their rights and obligations as citizens. Each voter must determine for himself or herself the type of political relationship that should exist between Puerto Rico and the United States. By its very nature, a status referendum determines a people's political future. Individual voters must weigh the implications of their vote not only for themselves but also for future generations.

The Administration firmly believes that the Puerto Rican people should be given an opportunity to express their will in a manner that recognizes the historic and fundamentally political nature of their decision of self-determination. The importance of the decision they face as a people transcends any narrow concern about specific aspects of economic or fiscal structures.

For this reason, the Administration believes that the discussion of Puerto Rico's future status should not be encumbered at this stage by the tax and financial provisions in the current bill. The selection among the possible status options should be a choice made by the people of Puerto Rico unaffected by the bias which specific economic costs and benefits could bring to the process. After that choice has been made, appropriate tax and financial relationships between Puerto Rico and the United States could be formed consistent with the choice of the Puerto Rican people.

The Administration recognizes the difficulty of isolating the impact of tax and financial issues from the question of Puerto Rico's future status. Appropriate transition mechanisms will ultimately have to be developed to minimize economic disruption to Puerto Rico resulting from any change from the current commonwealth status. In addition, we believe that a transition to statehood can be structured so that the Puerto Rican government, after making appropriate use of its own resources, would not be forced to incur a net revenue loss during this transition. The Administration would support a "transition grant" to Puerto Rico to assist in achieving that result. The budgetary treatment of a transition to statehood should be consistent with sound budget discipline. Finally, we believe that there should be a level economic playing field among options.

The development of provisions which will properly achieve these goals will require a careful cooperative analysis by the Administration, Congress, and the government of Puerto Rico. The resulting package would probably consist of interrelated provisions affecting Puerto Rico's own tax system, the Federal tax system, and direct Federal grants. Accordingly, depending on the specific alternatives chosen, many will be involved in the process, including, for example, the tax-writing committees of the Congress.

The Administration looks forward to working with your committee at the appropriate time in fashioning an integrated economic package which meets the Administration's commitments to Puerto Rico and which is fully acceptable to both Congress and the Puerto Rican government. To lay a foundation for that process, I would like to review with you today some of the technical issues which are presented by the provisions in the current bill. While not intended as either an endorsement or rejection of these provisions, my comments will hopefully highlight particular problems which the current language raises.

Each of the political options covered by the bill—statehood, independence, and commonwealth status—raises special issues that affect the tax systems of both Puerto Rico and the United States. The following comments are limited to those issues. They are not intended to reflect any views on the desirability of any of the status options.

Regardless of the status option under consideration, we believe that a primary goal of the bill in question should be to ensure that the tax implications of the option are clearly defined. Certainty in the application of the tax law is always a goal of tax policy, and we believe that it is especially important to strive for that certainty in these circumstances, where the Puerto Rican people are facing the possibility of fundamental changes to their government's structure. The focus of my testimony, therefore, will be to identify the tax results of this bill's provisions as drafted, to note those ambiguities which the bill raises, and to highlight those issues which the bill's tax provisions do not currently address.

I. GENERAL REVENUE EFFECTS OF S. 712

It is difficult to present very precise estimates of the Federal revenue consequences of the various options described in the bill, but it may be helpful for purposes of this discussion to consider some rough guidelines.

Both the independence and the statehood options assume some form of reduction of the tax incentives currently provided under Internal Revenue Code ("Code") section 936. It should be noted that even under the commonwealth option, Congress can continue to review and revise section 936 and other tax benefits as necessary.

We estimate that in FY 1989 the tax benefits received by section 936 corporations amount to about $1.9 billion. If section 936 benefits are phased out, some section 936 corporations may choose to leave Puerto Rico. However, the nature of most section 936 company operations makes it unlikely that they could find a good substitute for Puerto Rico in some low-tax foreign location. Thus, if companies do leave the island, it is most likely that they would move back to the mainland where they would be subject to U.S. tax.

A phase-out of section 936 benefits would cause economic dislocation on Puerto Rico, at least in the short run. Employment in 936 companies now accounts for about 12 percent of total Puerto Rican employment. However, it is very difficult to project the extent to which Federal tax collections would be affected by this dislocation. Under the statehood option, collections of personal income tax may be somewhat reduced for a time; but as discussed below, fully phased-in Federal personal income tax collections from Puerto Rico can be expected to be relatively modest.

The statehood option presents the issue of how a newly-imposed Federal income tax will interact with a Puerto Rican state tax system. The effects of this change must be considered for both individual and business tax revenues.●

PRISON INMATE EUGENE McGUIRE AND PRISON REHABILITATION

● Mr. HEINZ. Mr. President, on June 6, 1989, my colleague from Pennsylvania, Senator SPECTER, and I toured the State correctional institution at Camp Hill, PA, in order to see firsthand the growing crisis in our overcrowded prisons.

We discussed prison conditions with a number of inmates, including Eugene McGuire who began serving a life sentence for second-degree murder in 1978. Mr. McGuire admonished us to remember that while overcrowding can result in the early release of prisoners it also adversely impacts on the opportunities available to prisoners for drug treatment, vocational and educational programs.

Many of our Nation's prisoners are behind bars because of drug dependency or inadequate technical and literacy skills. Couple this with the fact that our drug treatment and vocational programs are woefully inadequate and it is little wonder that recidivism is so high. In fact, according to the Bureau of Justice Statistics, 63 percent of State prisoners are rearrested within 3 years.

Mr. President, Eugene McGuire has written an eloquent letter illustrating the need for better attention to rehabilitation. Most importantly, Mr. McGuire describes how he has come to realize that rehabilitation begins first with the inmate. I urge my colleagues to bear in mind the lessons of this letter: There is a critical need to build

more prison space but it is equally important to enhance the opportunities available to prisoners for rehabilitation in order to prepare them for their return to society.

I ask that the text of Mr. McGuire's letter be printed in the RECORD.

The text of the letter follows:

JUNE 8, 1989.

DEAR SENATOR HEINZ: I am writing to thank you for your visit here at the State Correctional Institution at Camp Hill where you showed concern for the overcrowding and rehabilitation.

As a seventeen year old entering the prison system I had great expectation in being rehabilitated and counseled for the crime I had taken part in. I learned that the priority to reform an inmate is not as great as to punish him for the crime. I learned that if a person wants to be rehabilitated he must begin by admitting to his wrong and begin to seek forgiveness from those he has hurt. Any change that takes place must come from within the individual's heart and not expected to be handed or given freely.

I have come to realize the severity of the crime I took part in and the penalty which it carries. The loss of life can never be replaced or forgotten nor can the pain of the family members be overlooked.

I have to believe that forgiveness is the beginning of healing someone's scars and pain and I have expressed my need for it from the victim's family and those whose lives I hurt by my actions. I feel there is hope for the person who is willing and able to change and accept responsibility for his actions. We have a caring Lord who desires changed hearts and I honestly feel that I have changed and demonstrated this in my life.

I know and believe the Lord to be our final judge, but he'll use men like yourself and the ones over us here to examine and review an individual's life and character to offer the person a second chance.

I must earn the trust of those here that are in charge and those in society to ever gain a second chance. My prayers would be to continue proving to other inmates that if we are willing to change our hearts there is hope in the future. I have been truly blessed to have met with you and Senator Specter and that you would not give up on those individuals who are willing to change.

Sincerely,

EUGENE MCGUIRE,
AK-4192.●

NUCLEAR RESEARCH WITHOUT PROLIFERATION OR TERRORISM

● Mr. GLENN. Mr. President, the Department of Energy has been taking its lumps in recent months, and I am sure it will be facing some rough times ahead as well as it faces up to the serious environmental problems at the Nation's nuclear weapons facilities.

But today I rise not to criticize DOE, but to give the Department some credit for, and urge it to continue, its efforts over the last decade to develop safe and efficient research reactor fuels that cannot be used in nuclear explosives.

The program is called RERTR, for reduced enrichment for research and test reactors. It is a program that deserves your attention—it is the only technical effort now underway in the United States to develop bomb-proof research reactor fuel, and it is one of those rare nonproliferation policies that was endorsed by both the Carter and Reagan administrations. Yet the program now needs your support if it is to survive.

RERTR'S MISSION AND ACCOMPLISHMENTS

Mr. President, I will ask unanimous consent to insert into the RECORD at the end of my remarks an article by Dr. Armando Travelli, Argonne's manager of the RERTR Program, that appeared in the June 1989 issue of "Nuclear Engineering International"—the article provides a useful overview and summary of the significant accomplishments and future challenges of this continuing program.

In an effort that was started back in 1978, DOE selected the Argonne National Laboratory to pursue a difficult and somewhat revolutionary mission: to develop economically viable and technically efficient low-enriched uranium fuels to substitute for the bomb-grade, high-enriched fuels that the United States had for years been exporting for use in research reactors worldwide.

To give you an idea of the legacy of those exports, in 1989 there are well over 8,000 pounds of this bomb-usable material contained in fuel elements at 118 research reactors in 34 different countries. According to the International Atomic Energy Agency, about 55 pounds of this material in pure form is all you need to make a bomb. Due to the risks of theft, diversion or sabotage of this deadly material—in an age when nuclear proliferation and nuclear terrorism are constant dangers—extraordinary precautions must be taken in the shipment, storage and use of this material.

Over the last 11 years, Congress and the Executive have acknowledged that exporting of bomb-grade nuclear materials is an inherently risky business, one that should be stopped. A nonproliferation resolution that I introduced in 1981, which passed 88 to 0 (S. Res. 179, CONGRESSIONAL RECORD, July 17, 1981, p. S7858), called upon the President to take immediate actions aimed at:

> • • • limiting the size of all research reactors transferred, eliminating the use of high enriched uranium in such reactors, and obtaining the return of spent research reactor fuel to the country of origin.

In 1986, in response to growing fears about the dangers of nuclear terrorism, Congress passed the Omnibus Diplomatic Security and Antiterrorism Act (P.L. 99-399, Sec. 601), which called upon the President to take:

> • • • such steps as may be necessary • • • to keep to a minimum the amount of weapons-grade nuclear material in international transit.• • •

In its 1987 annual report to Congress, the Department of Energy had this to say about the RERTR Program:

> A significant nuclear nonproliferation benefit can be achieved through increased use of low-enriched fuels for research reactors. • • • After further development of the LEU [low-enriched uranium] technology to support actual reactor conversion, foreign inventories of highly enriched uranium, a proliferation-sensitive material, should be reduced significantly.

During the period of the Reagan administration, I have accumulated over 40 letters of support for the RERTR Program from such sources as Chairmen of the Nuclear Regulatory Commission, Joseph Hendrie and Nunzio Palladino, Ambassador at Large Richard T. Kennedy—several letters, directors of university research reactor programs, environmental and public interest groups, and many Members of Congress.

As Undersecretary of Defense, Fred Ikle termed the program "an unusually good investment in national security."

As Director of the Arms Control and Disarmament Agency, Ken Adelman called RERTR "an integral part of this administration's nuclear nonproliferation effort."

It is no wonder that this program has received such support. On a modest, some would say a shoestring, budget, it has successfully developed new fuels that can be used in about 90 percent of the world's research reactors, many of which are now converting to the new low-enriched fuels. Unfortunately, the remaining 10 percent of these reactors happen to use a disproportionately large amount of weapon-usable material. Until these new fuels are developed, the United States will continue to export over 300 pounds of this material each year.

FUNDING CUTS AND CONSEQUENCES

Despite this support, the progam is now in danger of being terminated. In recent years, RERTR's budget has been subjected to a chronic, see-saw political dispute between the Arms Control and Disarmament Agency and DOE over which agency should manage the program. Now that the program has finally been reestablished at DOE, the Department's provisional fiscal year 1990 budget request asks only $1.2 million for the program and labels this "final year funding."

Now, it is difficult enough to develop state-of-the-art nuclear fuels and to assist international conversions to the lower enriched fuels—it is nearly impossible to do this when your funds and personnel are being whittled away in a budgetary process that does not win awards for rationality.

For example, the program was appropriated only $1.56 million in fiscal year 1989—a cut from the modest $2.6 million it had the previous year and

the $4.2 million it had in fiscal year 1987—which led, in the words of the program's manager, to "drastic reductions in both personnel and workscope." Letter in response to Governmental Affairs Committee staff questions, June 9, 1989. Does this sound like the way to support a high national commitment?

A SMALL PRICE FOR LEADERSHIP

Argonne estimates that at an annual $3 to $4 million funding level, RERTR can reach its conversion and fuel development objectives by the end of fiscal year 1994. If history is any index, we can expect this as a reliable sunset date—Argonne's past estimates of total program operating costs have proven remarkably stable.

As the DOE reviews all of the important decisions that lie ahead in the next few weeks and months, I hope it will decide to go with a winner and help the RERTR Program fulfill its national and international goals. I urge all of my colleagues on the Appropriations Committee to endorse the $4.2 million fiscal year 1990 authorization funding level recently recommended by the Energy Research and Development Subcommittee of the House Science, Space and Technology Committee.

In my view, the RERTR Program has earned that support.

I ask that the article to which I earlier referred be printed in the RECORD.

The article follows:

[From Nuclear Engineering International, June 1989]

CHANGING OVER TO LOW-ENRICHED FUELS

(By Armando Travelli)

Highly-enriched uranium supplied by the United States or by other Western countries is currently used in 118 research reactors in 34 different countries. Thirty-six of these reactors are in the United States, and 82 in other countries.

The highly-enriched uranium used in these reactors contains no less than 20 percent U-235 and the use of such highly-enriched uranium has been a continuing source of safeguards concern.

When the United States began to export research reactor fuel in the 1950s under the Eisenhower Administration's Atoms for Peace Program, only low-enriched uranium was to be used; that is, uranium which is unsuitable for weapons use because it is enriched to less than 20 percent U-235. But soon researchers began to need greater neutron production from the reactors to remain in the forefront of their work. To meet these needs, the enrichment of the fuel was gradually increased. Today, about 4000kg of highly-enriched uranium is contained in fuel elements for research reactors throughout the world.

In the 1970s, the global traffic in highly-enriched fuel became a matter of international concern because of the fuel's possible diversion for use in weapons by national organizations or terrorists. To address this problem, Argonne National Laboratory, near Chicago, was named by the U.S. Department of Energy in 1978 to be lead laboratory in the Reduced Enrichment Research and Test Reactor (RERTR) programme. This is a programme to develop research reactor fuels using low-enriched uranium without reducing research capabilities, raising operating costs, requiring significant component modifications, or reducing safety.

Under Argonne leadership, the RERTR programme has developed, tested and qualified several types of low-enriched fuel which are technically capable of replacing highly-enriched fuel in about 80 or 90 percent of the world's research reactors. More advanced fuels are under development. By 1993 it is hoped that these fuels will make it possible to convert all existing research reactors to low-enriched fuel.

Development of the new low-enriched fuels has been accomplished in close co-operation with all the major fuel fabricators to ensure compatibility with current fabrication techniques and to maintain existing competitive relationships in the nuclear fuel industry. All the low-enriched fuel materials which have been developed can be reprocessed using current facilities and methods. An accurate computational system has also been developed to optimize use of low-enriched fuels and to predict with confidence the behaviour of research reactors after conversion.

INCREASING URANIUM CONTENT

The key to reactor performance is the amount of U-235 in the core. In addition to U-235, reactor fuel also contains U-238, an extremely common isotope of uranium which does not help the chain reaction.

As fuel is made less enriched, the proportion of U-235 decreases while the proportion of U-238 increases. Under these circumstances, the only way to maintain the total amount of U-235 needed in the core is to increase the amount of U-238 and, therefore, the total amount of uranium.

This means that the key to developing low-enriched fuel is to find ways to pack uranium more densely into the same volume. This can be accomplished both by changing the fuel design and by using materials that contain a greater amount of uranium in the same space.

Most research reactor fuels contain thin metallic plates, 1 to 2mm thick, separated by water channels of similar thickness. Each plate comprises three layers. The two outer layers—the clad—are made of pure aluminum. The inner layer—the meat—contains the uranium. Each of the approximately 30 fuel elements in a normal research reactor core contains about 20 plates.

One way of increasing the amount of uranium in the core of a research reactor is to change the dimensions of the fuel so that the volume of the meat is greater. The RERTR programme has identified several reactors in which this process can be successfully applied. This usually means changing the clad thickness, the water thickness, the number of plates in each element, or any combination thereof. The usefulness of this approach is limited, however, by the need to extract large amounts of heat from the fuel during operation, and by the very demanding safety constraints of research reactors.

Another way to increase the uranium content of the core is to change the structure of the meat. The meat in dispersion-type fuels is normally a compressed mixture of two powders: pure aluminium—the matrix—and a uranium compound—the dispersed phase. The RERTR programme has successfully pursued the approach of increasing the percentage of meat volume occupied by the dispersed phase and using dispersed phases with greater uranium density. Similar considerations and approaches also apply to research reactors that use rods instead of plates for fuel. Generally these are Triga reactors.

Most plate-type fuels currently used in highly-enriched reactors contain uranium aluminide or uranium oxide as the dispersed phase. Highly-enriched Triga reactor fuels use uranium dissolved in zirconium hydride. The uranium density in the meat ranges typically from 0.4 to 0.8g/cm^3, depending on the specific fuel. The highest uranium density currently used in highly-enriched fuels is 1.6g/cm^3. By comparison, the RERTR programme has developed low-enriched fuels with uranium densities in the meat as high as 4.8g/cm^3, and is working on others with uranium densities that can reach 9.0g/cm^3.

The most important uranium compounds in RERTR programme fuels for plate-type reactors are uranium aluminide (UAl_x), uranium oxide (U_3O_8), and two types of uranium silicide (U_3Si_2 and U_3Si).

The main reason why many fuel types have been pursued instead of just one is that the fuels differed in the anticipated amount of development needed, in the time and risks involved, in the fuel density that could be achieved, in fabrication costs, and in the attainable burn-up. A prudent approach required diversification of effort through simultaneous development of different fuels. Those that were easier, faster, and safer to develop were brought on line first.

The RERTR programme was able to develop successfully several fuels through this process. For each plate-type fuel, miniature plates (miniplates) were fabricated and irradiated to burnups of 80 to 96 per cent in the Oak Ridge Research Reactor (ORR), Tennessee. Altogether several hundred miniplates, each corresponding to about one-fifth of a normal plate, were fabricated, irradiated, and examined to select the most promising compositions.

Full-size elements were then fabricated, irradiated, and tested. Testing of full-size elements provides the bulk of the information needed to "qualify" the fuel. A fuel is considered qualified when all the information has been collected that could be reasonably requested to prove that it is safe for use in a research reactor.

This process resulted in the qualification of a steady progression of low-enriched fuels with increasing uranium densities. UAl_x was qualified with up to 2.3g/cm^3 in 1984. U_3O_8 was qualified with up to 3.2g/cm^3 in 1985. U_3Si_2 was qualified with up to 4.8g/cm^3 in 1986. The next goal is to qualify U_3Si or U_3Si_2 with 6.0 to 9.0g/cm^3 in 1993.

FIELD EXPERIENCE

Full-core demonstrations, in which the entire core of a research reactor is converted to the new fuel, provide the final testbed for research reactor fuels. One such demonstration provided one of the RERTR programme's first major successes—a full-core demonstration of low-enriched aluminide fuel at the University of Michigan's Ford Nuclear Reactor.

In 1981, the entire core of this reactor was converted to low-enriched UAl_x fuel with a uranium density of 1.7g/cm^3. Results confirmed the validity of the calculations, methods, and data used to predict performance and safety characteristics of research reactors undergoing conversion from highly to low-enriched fuels. The reactor's operating characteristics are essentially un-

changed with the low-enriched fuel, and the reactor will continue to operate with it.

Another very important full-core demonstration was concluded in 1987 in the ORR. This powerful 30MW research reactor was converted gradually and entirely to U_3Si_2 low-enriched fuel with a uranium density of 4.8g/cm³ in the fuel meat. This conversion process, which allowed full use of the previous highly-enriched fuel, proved conclusively the validity of the safety, operational, and performance evaluations by the RERTR programme for this type of conversion, and demonstrated the ability of international fuel vendors to reliably fabricate U_3Si_2 on their commercial production lines. The U_3Si_2 fuel for the ORR demonstration was fabricated by Babcock & Wilcox, USA; Nukem, FR Germany; and Compagnie pour l'Etude et al Realization de Combustibles Atomiques (CERCA), France.

The RERTR programme has also cooperated with General Atomics, California, in the successful testing and qualification of a new low-enriched Triga fuel, developed by General Atomics, with uranium densities up to 4.7g/cm³. This fuel can be used to convert to low-enriched uranium all the Triga reactors which are now using highly-enriched fuels.

Today, it is technically feasible to convert 80 to 90 percent of the research reactors currently using highly-enriched fuels of US or other Western origin to low-enriched fuel. These reactors are responsible for approximately 70 percent of all highly-enriched uranium exported by the United States for research reactors.

PROBLEMS OVERCOME

The process through which this success has been achieved has not been easy, and was not without its problems. In 1982, for instance, a third silicide fuel, U_3SiAl, was considered by the programme to be the most promising candidate for high-density, low-enriched fuel for plate-type reactors. But after fabricating and irradiating a large number of miniplates for up to seven months, it was found that these plates began to swell rapidly after reaching about 75 to 80 percent burn-up. Greatly disappointed, the programme decided to continue irradiation of the other two silicide fuels, U_3Si_2 and U_3Si, that had been studied and fabricated primarily as backups. The U_3Si_2, with uranium density up to 4.8g/cm³, proved to be an unqualified success, passing with flying colours the most demanding tests to which it could be subjected. The US Nuclear Regulatory Commission has formally approved its use in research reactors. All fuel fabricators have established lines to fabricate it, or are in the process of doing so. This fuel is almost sure to become the most universally used fuel for research reactors in the near future.

The irradiation tests on U_3Si miniplates, where the uranium density could reach up to 7.2g/cm³, yielded another disappointment after some initially encouraging results. The fuel showed a tendency to swell excessively at high burn-ups, and continued to do so in spite of many modifications of the fabrication process which were tried. Finally, in 1988 a new technique based on observing the behaviour of the material while it is bombarded with heavy ions by an accelerator proved beyond doubt that the swelling of this material is due to the breaking up of its crystalline structure when intense radiation strikes it at normal temperature. The material then becomes amorphous under irradiation and flows plastically, swelling, as radiation continues to strike it. Development of U_3Si dispersion fuel was interrupted shortly after this discovery.

From this second disappointment came the main ideas and concepts for the more advanced fuels which are now under development.

In one of these concepts, the same U_3Si material which cannot be used in plates as a dispersion fuel is fabricated in the shape of solid thin wires, about 0.75mm in diameter, which are embedded, at a distance of about 0.25mm from each other, in a solid aluminum plate whose thickness is about 1.25mm. Several tests indicate that the solid aluminium mass surrounding the wires will prevent them from swelling even after they have become amorphous.

The total amount of uranium which can thus be enclosed in a plate would require a uranium density close to 12.9g/cm³ in a plate of the same thickness fabricated according to the normal dispersion process.

A second concept is based on an improvement of the U_3Si_2 dispersion fuel, and consists of using hot isostatic pressing to form the plates instead of rolling. Rolling greatly distorts the structure of the plate, requiring much aluminium in the matrix to act as a lubricant for the silicide particles, and requiring the use of a thick clad because some of the silicide particles are forced to protrude from the meat. These problems do not occur in hot isostatic pressing, because the enormous pressures required to bond clad and meat are applied uniformly by a fluid surrounding the entire plate. Since no significant deformation occurs, little aluminium is needed in the meat, and the space thus made available can be filled with more U_3Si_2.

In addition, since no silicide particles are forced to protrude from the meat, a thinner clad (0.25mm instead of 0.38mm) can be used. The result is a 1.25mm plate whose uranium content would require a uranium density of 10.2g/cm³ in a plate of the same thickness fabricated using normal rolling fabrication techniques.

The preliminary results which have been obtained for both of these concepts are encouraging. Successful development of either of the two concepts would mean that all existing research reactors would cease to depend on continued supplies of highly-enriched fuels to perform their mission.

In addition, the same process which proved the irradiation-induced amorphization of U_3Si, that is, ion bombardment, is used to gain a fundamental understanding of the amorphization process and hopefully, of ways to prevent it.

INTERNATIONAL CO-OPERATION

The RERTR programme has made significant progress in the development, demonstration, and application of new low-enriched fuels for research reactors. In addition, the fuel fabrication technology developed by the programme has been transferred to commercial fuel fabricators through an extensive continuous exchange of information and by contracting with them to produce fuels for the programme's experiments and demonstrations. Principal fuel fabricators and developers who have contributed actively to the programme are Babcock & Wilcox, Comision Nacional de Energia Atomica, Argentina, CERCA, EG&G, USA General Atomics, Nukem, Oak Ridge National Laboratory, USA, and Texas Instruments, USA.

An important contribution also came from the Savannah River Laboratory, USA, where reprocessing studies on the RERTR fuels were performed as part of the RERTR programme. These studies showed that the new fuel materials could be reprocessed with minimal modifications to the equipment and procedures currently used for highly-enriched fuels, and at comparable cost.

Many international reactor organizations are co-operating with the programme through joint studies. These contributions are so many and varied that it is impossible to list them all. Among the most important, HFR-Petten, The Netherlands, SILOE, France, and R-2, Sweden have irradiated and examined many low-enriched test elements. Atomic Energy of Canada is developing a variation of the U_3Si fuel for their rod-type reactors At the latest count, more than 1000 prototype elements had been ordered for fabrication with reduced enrichment and with the new RERTR technologies. Fourteen reactors have been converted, or are in the process of being converted. Joint studies now encompass some 34 reactors from 20 different countries.

With continued co-operation from organizations throughout the world, and with the excellent results of analytical studies about the potential of the new fuels, many other reactors are now on the point of converting to low-enriched U_3Si_2 fuel. To encourage this process the U.S. Nuclear Regulatory Commission issued a rule in 1986 requiring all research reactors under its jurisdiction to convert to low-enriched fuels if at all possible. In addition, the U.S. Department of Energy announced that it would accept the new low-enriched fuels for reprocessing after use, under favourable terms and conditions.

When the more advanced silicide fuels now under development are qualified in 1993, it is anticipated that it will become technically feasible to convert almost all research reactors to low-enriched fuel and to eliminate almost entirely the related international traffic of highly-enriched uranium.●

CARCINOGENS

● Mr. McCLURE. Mr. President, I rise today to do my small part to correct what I believe are misperceptions that have been forced upon the people of this country.

Over the last 25 to 30 years, Americans have been besieged with warnings about carcinogens. The identification of cancer-causing agents has become so common that one can hardly pick up a newspaper nowadays without being confronted with another common substance that is carcinogenic. Bacon, coffee, peanut butter, the list goes on and on.

Increasingly, the warnings about cancer-causing substances have taken on a hysterical tone. Reporters and public interest groups tell us a substance may be dangerous, then we stop buying anything associated with that substance. But most of the time, consumers are given no perspective as to the level of risk associated with an alleged carcinogen. The result is that people who rely on news for information, so that they may make intelligent decisions, are being deceived.

For example, let us take the recent scare we had about apples and the pes-

ticide Alar. We were told Alar is a carcinogen, that it is used on apples, and that if we want to reduce our risk of cancer, we should eat only apples that are Alar-free. The charge set off a nationwide panic for both consumers and farmers, who were stuck with millions of dollars in losses.

What we were not told is that the carcinogens in a can of beer are about 2,000 times more hazardous to human health than the average daily exposure Americans get from Alar. We were not told that spending a day in the sun is more dangerous than our daily exposure to Alar. We were not told that eating a peanut butter sandwich is more hazardous than our daily exposure to Alar.

Yes, cancer is a terrible thing, and yes, we need to be vigilant against substances that can contribute to the number of cancers in this country. What we must prevent, however, is allowing fear and worry to obscure the facts. Our sources of information need to define carcinogens by dose—not simply by substance.

We also should turn our public health resources on matters that can make a difference—like cigarettes, drugs, alcohol abuse, and wearing seat belts. In the words of one noted public health official, we have "to quit squishing ants on the sidewalk while the public health elephants roar down the street ignored."

Mr. President, I ask my colleagues to work with me to bring some reason into the debate about public health in this country, and I ask that the following editorial from the June 12, 1989, Idaho State Journal be printed in the RECORD.

The editorial follows:

[From the Idaho State Journal, June 12, 1989]

MAKE THE WORLD SAFE

The carcinogens in a can of beer are about 2000 times more hazardous to human health than the average daily exposure we get from Alar, the preservative used on apples, according to University of California researcher Bruce Ames.

Fourteen hours of breathing mobile home air, which contains formaldehyde, spending a day in the sun, being in the same room with a cigarette smoker, eating one mushroom, or eating one peanut butter sandwich are all significantly more "hazardous" than our exposure to Alar, according to Ames.

The Food and Drug Administration 20 years ago banned cyclamate, an artificial sweetener which it now concedes is safe. That may never be the case with Alar, but the evidence on which that product has been hanged is then indeed. The fact is that health benefits of eating apples far exceed the risk of contracting cancer.

The quest for perfect safety, were we to pursue it, might result in banning beer, mobile homes, mushrooms or peanut butter. It might cause us to impose a 10 mph speed limit to eliminate highway deaths. We could do many things, seeking to wrap ourselves in a risk-free cocoon. And they all make about as much sense as banning Alar.●

HOMEOWNERSHIP

● Mr. MACK. Mr. President, one of the most effective actions the Federal Government can take to help keep America the "opportunity society" we all desire is to encourage homeownership. For too long, however, Federal housing policy, especially toward those with low incomes, has created barriers to homeownership. Because of these barriers, we are now especially lucky to have Jack Kemp as Secretary of Housing and Urban Development.

Few public servants are as competent at promoting the virtues of homeownership as Secretary Kemp. A recent example of his efforts on behalf of low-income prospective homeowners is taking place in Lowell, MA. I want to share with my fellow Senators an editorial that appeared in the Lowell Sun praising the transfer of a HUD-owned housing development to its tenants.

TENANTS TO HOMEOWNERS

Jack Kemp's visit to Lowell Monday was straight out of the "Only in America" Department.

Here was Kemp, the man who campaigned for president of the U.S. on a theme of private, not government, initiative, strolling through the North Canal public housing complex and extolling the virtues of Washington's involvement in a new plan to "rescue" the troubled residential area.

Here was U.S. Sens. Edward M. Kennedy and John F. Kerry, two of Washington's most patrician Democrats, who contemptuously regarded Kemp as a part of the lunatic right in the House only a few years ago, paying court to Kemp, who works as George Bush's Secretary of Housing and Urban Development.

And here too were tenants at the complex people who speak English, Spanish or Khmer welcoming Secretary Kemp, once regarded as one of Ronald Reagan's point men in gutting federal initiatives in urban development.

By most yardsticks, Jack Kemp would be one of North Canal's least-welcome visitors. What happened to trigger the change?

Ironically, perhaps the greatest argument in favor of Kemp's privatizing approach has been the failure of sprawling public housing projects, heavily subsidized by federal, state and municipal governments up through the 1970s. During this decade, however, the Reagan administration's emphasis on private initiatives has stimulated greater demands for tenant ownership—and that is where the future of North Canal and thousands of other public housing complexes rests.

Kemp and the Massachusetts senators, along with U.S. Rep. Chester Atkins, chairman of the Massachusetts Democratic Party, arrived to celebrate a partnership that holds dramatic potential for turning "Cement City" from run-down, deteriorated and substandard dwellings, infested with crime and drug traffic into a showcase of homeownership.

In a matter of days, papers are due to be passed transferring ownership of North Canal from Kemp's own department—which took control when the original developers defaulted on a loan—to the tenants and the Coalition for a Better Acre.

The transfer is made possible by a creative financing package fashioned by federal, state and City of Lowell officials in concert with the CBA, which has lobbied long and hard during the past four years for the revival of North Canal.

Financing for the $19.6 million project includes a contribution of $1.8 million in equity from the Bank of New England and an outlay of $3.8 million in equity through corporate investment in low-income housing tax credits from the Federal National Mortgage Association.

The CBA, led by Charles Garguilo cochairman of the board of directors, has fought off detractors who wanted to ignore the problem, bulldoze North Canal or turn it over to developers who would construct condominiums and price out current residents. Indeed, *The Sun* supported a market-rate condominium project as a way to build up the city's higher-income population.

But the CBA view has prevailed—and the tenants can be grateful that their efforts are on the threshold of success. But final judgment on North Canal's transformation is yet to be made. It depends on the degree of commitment, the sense of "ownership" and the standard of excellence its residents demand of themselves, their contractors and their neighbors.

Secretary Kemp has reason to be proud—and so do North Canal residents and their advocates. In revising national policies from subsidies that rob individuals and families of initiative to policies that invest in their responsibility, the U.S. has enlarged the American dream. And it is good to see it happen here in Lowell.●

BURNING THE FLAG

● Mr. McCLURE. Mr. President, a few weeks ago, the Supreme Court decided to stitch a coarse thread into the fabric of this Nation. The court instructed us that flag burning is a right protected by the Constitution, even though Americans all across this land know that it is not right and ought not be tolerated. In fact, most Americans believe in their hearts that Texas versus Johnson should be reversed.

Freedom of speech means just what it says—freedom to speak one's mind. The first amendment protects the articulation of ideas, not the right of physical desecration. Ideas, no matter how foreign, must be protected. But burning the flag is another matter altogether.

I believe strongly in individual rights. We are a nation of individuals, and what our flag represents to our Nation lies in the heart of each individual. For those who fought for the flag and lived to enjoy the freedom it symbolizes, the flag is a reminder of those individuals who gave their life in the defense of freedom. For those who Pledge of Allegiance to the Flag signifies their acceptance as a U.S. citizen, it represents the opportunity to succeed regardless of race, color, or creed. For those of us who stand in this Chamber, it represents the mantle of responsibility we have to the citizens of this Nation.

To those would-be flag burners who choose instead to reject the freedom

the flag represents, I say shout all you want, but do not immolate our symbol of freedom. I refuse to stand by and allow a very few to tyrannize the rights of the overwhelming majority. Individuals who cherish freedom and liberty have the right to protect the symbol of those ideas.

Soon after this Court decision was announced, a newspaper in northern Idaho, the Coeur d'Alene Press, suggested that Americans fly their flags in protest on Friday, July 21. Their idea is that a successful grassroots movement would not only serve as a protest of the Supreme Court's decision, but also would act as a message to those of us here in Congress. By acting in unison and flying the flag on this day, the people of this Nation will send a clear message that the U.S. flag is so venerated and respected that it should be protected from desecration.

I plan to be one of those Americans who flies my flag on July 21. I urge all in this Chamber, and every American who cherishes the freedom our flag represents, to do likewise. Let's send a message to the Supreme Court and to Congress. Let's tell them President Bush is right. We need a constitutional amendment to prohibit the burning of our national colors.

Mr. President, I ask that the editorial from the Coeur d'Alene Press be printed in the RECORD.

The article follows:

FLY OLD GLORY ON JULY 21 TO PROTEST RECENT COURT RULING

The recent decision by the United States Supreme Court which allows the burning of this nation's flag as a form of dissent has sparked outrage among the citizens of North Idaho and the nation.

President George Bush has called for a constitutional amendment to overturn the court ruling and citizens across North Idaho and the country are aghast over last week's ruling.

The Coeur d'Alene Press and KVNI Radio have joined together to ask citizens across the country to join in a protest of the court's decision by a special display of our nation's flag on Friday, July 21.

We believe it would better serve our country and her citizens if we fly the nation's colors and burn the court's written decision.

The Supreme Court represents one of three branches of the federal government, but it does not stand alone in the establishment of the customs or philosophy of the people. When the people speak, they must be heard, whether the message is directed at the executive, legislative or judicial branch of government.

North Idahoans, strongly patriotic, have taken exception to the court's ruling. A special display of the flag on a given day will signal our objection to the court's ruling.

Our congressional delegation . . . U.S. Sens. James McClure and Steve Symms and our Congressman Larry Craig . . . have all made public statements critical of the court's decision which reversed a Texas court's ruling that a man had committed an illegal act in setting fire to the U.S. flag.

Through the offices of the Idaho delegation and Gov. Cecil Andrus, Kootenai County can lead the way in setting aside a special day . . . Friday, July 21 . . . to show our concern for the action of the court. We hope the announcement that Coeur d'Alene plans this observance will encourage other cities and towns throughout the country to join us. We believe they will.

The court said in its ruling that the burning of the flag as a form of dissent was protected under the First Amendment and its guarantee of freedom of expression. But few freedoms are absolute. Freedom of speech is limited by slander and libel laws. It doesn't give you the right to yell fire in a crowded theater, or to scream obscenities at young children.

The flag of this nation is more than a piece of cloth. It is the symbol of the struggle to maintain our liberty and freedom through periods of war and economic distress. It has won a special place in the hearts of the citizens of this county and this nation and it deserves the respect of all those who make this nation their home.

The citizens of this nation, millions of whom have defended the country and its flag in violent wars, will support an effort by the Congress to set aside a special place for the flag, protecting it from desecration and disrespect. To desecrate the flag, slanders and libels everything it stands for, and it should not be allowed.

The Coeur d'Alene Press and KVNI Radio believe Kootenai County can provide a rallying point for the entire nation on Friday, July 21, by flying the flag not only in protest of the court's ruling, but in support of action by the Congress to insure proper respect for Old Glory.●

JAMES W. HORNE, TOWNSEND, MT, RECIPIENT OF DAV AWARD

● Mr. BAUCUS. Mr. President, I would like to take this opportunity to honor one of my constituents, Mr. James W. Horne of Townsend, MT.

Mr. Horne, a two-time Purple Heart recipient, was chosen the Disabled American Veterans 1989 Outstanding Local Veterans Representative for the State of Montana. This is the second consecutive year Mr. Horne has received this award, which attests to his dedication toward serving his fellow veterans. He has also been employed by the Montana Job Service for 10 years handling job placement for veterans.

Throughout his career, he has been recognized for his service to veterans. In 1979, Mr. Horne received a Governor's citation and the Award for Outstanding Community Achievement of Vietnam Era Veterans. In 1985, he was presented with the Veterans of Foreign Wars Award for services to veterans, and under his leadership, the Helena Local Job Service has been awarded the VFW's Office Award for Services to Veterans for the last 3 years.

Educated at Townsend High School and the University of Montana, Mr. James W. Horne is a shining example for Montanans, veterans, and all Americans. I am confident we will continue to benefit from his hard work and dedication.●

MAJ. GEN. JOE ASHY, COMMANDER, U.S. AIR FORCE TACTICAL FIGHTER WEAPONS CENTER, NELLIS AFB, NV

● Mr. REID. Mr. President, today I bring to the attention of my colleagues and the American people a story of a model public servant—a great man who has served our Nation's military in my State of Nevada. Maj. Gen. Joe Ashy, commander of the U.S. Air Force Tactical Fighter Weapons Center at Nellis Air Force Base, is being transferred from this position. Before he leaves, I want to recognize and honor him for his contributions as commander during the past 13 months.

General Ashy's many significant contributions to the Tactical Air Command at Nellis are indicative of his continuing commitment throughout his career to make our military an effective, efficient operation. His dynamic leadership and unstinting dedication to his work is clearly evident in the positive changes he initiated at Nellis.

General Ashy has set professional standards for all those in leadership positions. His efforts are reflected in the many Air Force and Tactical Air Command awards won by Nellis units, including the most prestigious Air Force Supply Daedalian Effectiveness Trophy and the Air Force Innkeeper Award for billeting.

General Ashy provided critical support for base operations. He led and managed the introduction of the F-16 C/D, the F-15E and F-16 Lantirn activation. He also supervised the conversion of the aggressors from the F-5 to the F-16.

One of the most visible of our Nation's defense efforts this year was the unveiling of the Stealth fighter. General Ashy dealt directly with the security change of the Stealth fighter. His initiatives were integral to the smooth transition of this highly classified program to acknowledged status.

As commander, General Ashy was responsible for hosting a wide range of visitors. He proved his skills as a diplomat, communicator, and organizer. These skills were evident in his hosting of more than 5,000 distinguished visitors, all of whom received a first-class reception, accommodations, and professional briefings.

General Ashy contributed tremendously toward ensuring that the Tactical Fighter Weapons Center provides the best training available to military organizations throughout the free world. In five red flag exercises, U.S. Air Force organizations from the continental United States, Europe, and the Pacific joined with allied units to perfect their combat skills in a one-of-a-kind training environment that is available in the great State of Nevada. The Tactical Fighter Weapons Center also conducted many complex and de-

manding operational tests and evaluations to validate improvements to Air Force tactical weapons systems.

At the same time that these great accomplishments were taking place, units assigned to Nellis, prepared for their own real world operational readiness inspection. And this past May, the Tactical Air Commands inspector general confirmed what we had suspected—that the men and women at Nellis could effectively deploy to a theater; fight; sustain operations; and win. Nellis' units proved themselves combat-ready by exceeding the highly demanding Tactical Air Command standards.

General Ashy deserves special recognition for ensuring that not only is there excellence in operations—there is also safety. An impressive record this past year speaks for itself: In flying safety, there has been a 63-percent reduction in mishaps; in ground safety, a 12-percent reduction; and in weapon safety, a 50-percent reduction.

General Ashy's leadership extends beyond operations to encompass the high quality of health care provided by the Nellis Hospital. Both active duty and retired members speak favorably about the Nellis Hospital. The excellent ratings given by the Air Force hospital inspectors in the important categories of surgery, nursing, patient care, and emergency room operations reflect the sensitivity of the Nellis Hospital medical care practitioners.

General Ashy's term as commander has been marked by significant increases in combat readiness; a strong emphasis on safety; larger strides toward an improved quality of life for those who work and live at Nellis; and a reinvigoration of the medical care provided to over 80,000 beneficiaries in the Nellis-Las Vegas metropolitan area.

As evidenced by the numerous contributions made by General Ashy, this man has made Nellis a better place to work and live. He has made a lasting impact on an organization that serves 15,000 people and has significant responsibilities in maintaining and strengthening our Nation's defense capabilities.

On behalf of all Nevadans, I thank General Ashy for his tremendous contributions. He is a credit to our military and to our country. He will be missed, and I wish him well in all his future endeavors.●

YWCA CELEBRATION

● Mr. McCONNELL. Mr. President, I recently came across an article in the Louisville Courier Journal about eight women who have had a significant impact on the city. I would like to submit to the RECORD this article.

At the second annual YWCA Celebration of Service in June, these eight dedicated women were honored for their contributions to the community and their roles in the struggle for empowerment. They made a name for themselves in politics, the arts, and philanthropic organizations. Each has made significant and important contributions to the Louisville community. I would like to take this opportunity to recognize these devoted and inspirational women.

Alberta Wood Allen has served on the boards of dozens of corporations, foundations, and agencies including the Louisville Orchestra, the Heart Association, and the Junior League. Minx M. Auerbach, who in 1974 became Louisville's first director of consumer affairs, served as special assistant to myself when I was Jefferson County judge-executive. She is now chairman of the Louisville-Jefferson County Planning Commission and is coowner in MinxJoans, a new catalog company.

Believing that education provides the best means to escape poverty, Gladys W. Carter was a teacher for 31 years before she became director of the West End branch of the YWCA in 1959. Today she is still operating a preschool and tutoring center that she started in 1970 in her basement. Virginia Mason was honored for her dedication to taking care of sick people. She received her nursing degree from Johns Hopkins University in 1938 and started work as a public health nurse in Letcher County, KY. During World War II, she worked in a Florida tent hospital before returning to work in Louisville and in Fort Knox, KY. Though she retired 10 years ago, Virginia Mason still does volunteer work.

Georgia M. Powers was the first black woman to serve in the Kentucky Senate. During her 20 years in office, she sponsored bills to improve housing, eliminate discrimination, and increase emergency assistance for the poor. Aside from these duties, she has served on the University of Louisville Board of Overseers, the board of directors of the Kentuckiana Regional Planning and Development Agency, and the Louisville chapter of the American Red Cross.

Since 1968, Dr. Joan E. Thomas has been a healer of spirit and body for her patients in Louisville's West End. Apart from her job as physician, Dr. Thomas counsels her patients, many of them single parents, women left single by divorce, or widows. In addition, she has served on the board of directors of the Home of the Innocents.

Two women were honored posthumously at the ceremony. Gerta Bendl began her political career in the late 1960's and served as third ward alderman from 1972 to 1976. She was then elected to the State House of Representatives and was known for her efforts at nursing home reform.

Elaine Gifford Musselman was a founder of the Volunteers Bureau of the Community Chest, now the United Way. She also did work in preservation and the arts. In the 1960's she pushed for construction of the Cochran Hill tunnels on Interstate 64, arguing that Cherokee Park's continuity be preserved above the tunnels.

The dedication that these eight women demonstrated should be an inspiration to everyone. They were extremely deserving of these honors. I commend them to my Senate colleagues today.

The article follows:

YWCA HONORS EIGHT WOMEN FOR SERVICE TO COMMUNITY

(By Cary B. Willis)

In ways large and small, the eight women honored last night have had an impact on Louisville.

Several have left their marks in politics, others through the arts and philanthropic organizations. A few simply went about their work quitely, never getting their names in the newspaper. All were honored as "women of distinction" last night at the second annual YWCA Celebration of Service for being "dynamic role models in our mutual struggle for empowerment," according to YWCA board president Jessica S. Loving.

Jefferson County Judge-Executive Harvey Sloane said the women were "inspiring spirits, to show us that with commitment, endurance and dedication it is possible to make a difference." Here's a quick look at each of the honorees:

Alberta Wood Allen has served on the boards of the Louisville Orchestra, the Heart Association, J.B. Speed Art Museum, Macauley Theatre, WKPC-TV, Museum of History and Science, Berea College, Kentucky State University Foundation, the Junior League and at least a dozen other corporations, foundations and agencies.

Minx M. Auerbach became Louisville's first director of consumer affairs in 1974, and four years later she became special assistant to then-Jefferson County Judge-Executive Mitch McConnell.

Auerbach, now chairman of the Louisville-Jefferson County Planning Commission, is co-owner in a new catalog company, Minx-Joans.

Gerta Bendl, one of two women honored posthumously, began her political career in the late 1960s, successfully fighting school district boundaries that would have sent her children to suburban Seneca High School rather than nearby Atherton.

She served as 3rd Ward alderman from 1972 to 1976, when she was elected to the State House of Representatives. Bendl, who was best known for tireless efforts at nursing-home reform, died on June 25, 1987, of a heart attack at age 55.

A lifetime educator, Gladys W. Carter believes education best provides the means to escape poverty. Carter was a teacher from 1928 through 1959, when she became director of the West End branch of the YWCA. In 1970 she opened a preschool and tutoring center in her basement on South Western Parkway, which she still operates. Carter retired from the Y—where she placed special emphasis on day care—in the early 1970s, according to her successor, Nannie M. Harrison.

Virginia Mason has been taking care of sick people for more than 50 years. In 1938, Mason received her nursing degree from

Johns Hopkins University and took her first job as a public-health nurse in Letcher County, Ky., making house calls on horseback. During World War II she worked in a Florida tent hospital, then in Louisville and in Fort Knox, Ky. She retired 10 years ago, but continues to do volunteer work.

Elaine Gifford Musselman pushed for construction of the Cochran Hill tunnels on Interstate 64 in the 1960s, successfully arguing for the preservation of Cherokee Park's continuity above the tunnels. Besides her other work in preservation and the arts, she also was a founder of the Volunteers Bureau of the Community Chest, which is now the United Way. She was the mother of insurance executive Elaine M. "Cissy" Musselman. Elaine Glifford Musselman died in a car crash in 1982.

The first black to serve in the Kentucky Senate, Georgia M. Powers retired last year after 20 years in office. She sponsored bills to improve housing, eliminate discrimination and increase emergency assistance for the poor.

Powers also has served on the University of Louisville Board of Overseers, the board of directors of the Kentuckiana Regional Planning and Development Agency and the Louisville chapter of the American Red Cross.

Dr. Joan E. Thomas has been a physician in Louisville's West End since 1968. Since many of her patients are either single parents or women left single by divorce or the death of a husband, Thomas "sees herself as a healer of spirit" as well as body, according to a biography. She counsels her patients and "encourages them to believe in their own abilities." She also has served on the board of directors of the Home of the Innocents.

Last night's event was sponsored by The Women's Pavilion of Norton Hospital.

ORDER CHANGING TIME FOR VOTE ON AMENDMENT NO. 268

Mr. BYRD. Mr. President, at the request of the distinguished majority leader I ask unanimous consent the vote previously ordered to occur at 11 a.m. Tuesday next, July 18, 1989, on the Moynihan amendment No. 268, be changed to occur at 2:15 p.m., Tuesday, July 18, 1989.

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

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of my distinguished friend, the senior Senator from North Carolina [Mr. HELMS] who is the acting Republican leader, if the following calendar orders have been cleared on his side: Calendar Orders No. 70, 137, 138, 139, 140, 141?

Mr. HELMS. They have, I say to my friend.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar numbers 70, 137, 138, 139, 140, and 141 en bloc; that the committee amendments, where appropriate, be agreed to en bloc, that the bills be deemed read a third time and passed; and that motions to reconsider the passage of the bills be laid upon the table.

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

Mr. BYRD. Mr. President, I further ask unanimous consent that the consideration of these items appear individually in the RECORD and that if Senators have statements in regard thereto, they appear appropriately in the RECORD.

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

ADDITIONAL LANDS FOR HARPERS FERRY NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (S. 85) to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, WV, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That (a) the first section of the Act entitled "An Act to provide for the establishment of the Harpers Ferry National Monument", approved June 30, 1944 (58 Stat. 645; 16 U.S.C. 450bb), is amended by—

(1) striking "two thousand four hundred and seventy-five acres" in the first sentence and inserting "two thousand five hundred and forty acres"; and

(2) inserting after the first sentence the following "The Secretary is authorized to acquire, by donation only, approximately twenty-seven acres of land or interests therein which are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on a map entitled 'Proposed Bradley and Ruth Nash addition—Harpers Ferry National Historical Park,' dated April 1, 1989 and numbered 385-80056. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. When acquired, such lands or interests therein shall become a part of the park, subject to the laws and regulations applicable thereto.".

(b) Nothing in this Act shall be deemed to prohibit the Secretary from using such measures as may be necessary to acquire a clear and marketable title, free of any and all encumbrances, to the lands identified for acquisition in paragraph (a)(2) of this Act.

Mr. BYRD. Mr. President, I am pleased that the Senate is considering S. 85, legislation that would permit the donation of certain land in Harpers Ferry, WV, to the Harpers Ferry National Historical Park. I introduced S. 85, along with my colleague from West Virginia, Mr. ROCKEFELLER, on January 25.

The land is owned by Bradley D. and Ruth Cowen Nash. Mr. Nash is the former mayor of the town of Harpers Ferry. The Nashes have generously expressed their desire to give their land to future generations of West Virginians and Americans.

The Nash property is rich in history. One of West Virginia's most famous sons, Thomas J. "Stonewall" Jackson, camped his Confederate forces on this land in 1861. Before the Battle of First Manassas, or Bull Run as the Northern forces called the battle, then-Colonel Jackson used the Nash acres for a practice field.

To the Confederate Army of Northern Virginia, the land now owned by the Nashes was of a vital defensive value. Situated on a high bluff at the north end of Bolivar Heights, this property overlooks the Potomac River. From that location the Southern Army monitored activities along the Potomac River, the Baltimore & Ohio Railroad, the Chesapeake & Ohio Canal, and the Harpers Ferry-Sharpsburg Road—all major transportation routes into the Shenandoah Valley.

In the summer of 1861, the Southern detachment was withdrawn from the town of Harpers Ferry and the surrounding area. Union forces then regained access to the Harpers Ferry area and camped on the Nash property.

On September 13, 1862, Gen. Robert E. Lee began his invasion of the North. The cornerstone of the Southern strategy was regaining control of Harpers Ferry.

Numbering 12,500 men, the Union detachment at Harpers Ferry was under the control of Col. Dixon Miles. With insufficient supplies, Colonel Miles was faced with defending the town against a force of 14,000 Confederate troops.

Reentering the area, Stonewall Jackson's forces surrounded the Federals at Harpers Ferry. The Southern force struck from Loudon Heights, Maryland Heights, and Bolivar Heights. The town of Harpers Ferry and the surrounding area were swallowed up by Jackson's forces.

The Southern force occupied the town of Harpers Ferry until September 19, 1862. At that time, all Confederate troops in the area were summoned to fight at Antietam. For the remaining 2½ years of the Civil War, Harpers Ferry was occupied by Union troops.

Mr. President, the decision by Mr. and Mrs. Nash to donate the property, on which their own home sits, is typical of their many contributions to my State and the Nation, as well.

Bradley Nash has not only served the State of West Virginia in many capacities, including his 12 years as mayor of Harpers Ferry, but our country, as well.

As a member of the Federal Reconstruction Finance Corporation from 1932 to 1935, under Presidents Herbert Hoover and Franklin Roosevelt, Brad Nash was at the forefront of developing the first Federal housing project, located in New York City.

Mr. Nash served as the director of the Federal Bureau of Finance for the War Production Board Corporation from 1940-42. That board was the forerunner of the Small Business Administration. Brad Nash helped to develop the guidelines for the Small Business Administration.

In 1942, the future mayor of Harpers Ferry entered the U.S. Army. He rose to the rank of Lieutenant Colonel by the end of World War II. He served in military campaigns in North Africa and Italy, receiving the Bronze Medal.

Continuing his contributions to our Nation, Brad Nash served admirably in President Dwight Eisenhower's administration. His first duty was as a Deputy Assistant Secretary of the Air Force from 1953 to 1956. In January 1957, President Eisenhower selected Mr. Nash to be a Deputy Under Secretary of Commerce for Transportation. He served in that capacity until the end of President Eisenhower's term of office in 1961.

I would note, Mr. President, that in 1980, Brad Nash, with the help of Milton Eisenhower, published a book, "Organizing and Staffing the President."

Ruth Cowen Nash is a remarkable woman. After graduating from the University of Texas in 1923, Mrs. Nash began a career with the Associated Press that lasted until 1957. Ruth was a distinguished and widely recognized war correspondent during World War II. Her dedication to her work took her on assignments throughout war-torn Europe. She was present at the invasion of Normandy Beach in 1944. Her efforts during the period between 1942 and 1945 earned Ruth Nash a commendation from the U.S. Army.

Ruth Nash has many well-known friends. Indeed, her first wedding present came from Eleanor Roosevelt.

Among her most treasured accomplishments was her service as the President of the National Women's Press Club from 1946 to 1947.

Mr. President, I speak of just a few accomplishments of the Nashes to impress their dedication of service to our Nation. Now, with the adoption of this legislation in the Senate, Brad and Ruth again have shown their dedication to our country.

Mr. President, I commend my colleague from West Virginia, Mr. ROCKEFELLER, for his efforts on behalf of our legislation. Senator ROCKEFELLER displayed his characteristic diligence on behalf of West Virginia as a member of the Committee on Energy and Natural Resources that had jurisdiction over this legislation and provided the necessary counsel for passage of this worthy bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

CONVEYANCE OF CERTAIN LAND

The Senate proceeded to consider the bill (S. 267) to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

On page 2, line 4, strike "Southeast Quarter (E½SL¼)" and insert in lieu thereof "Southeast Quarter (ES½SE¼)".

So as to make the bill read:

S. 267

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

That, notwithstanding any other provision of law, the Secretary of the Interior shall convey to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described as the East half, Southeast Quarter (ES½SE¼) of Section 33, Township 2 North, Range 1 East, of the Boise Meridian in Ada County, Idaho.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

DEVELOPMENT OF TRAILS INTERPRETATION CENTER IN COUNCIL BLUFFS, IA

The Senate proceeded to consider the bill (S. 338) to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 338

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

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) no other cultural event shaped the postcolonial history of the United States more than American westward movement in the nineteenth century;

(2) nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explorers, religous groups, and scientists;

(3) no existing historic or cultural site has educational facilities or programs which directly interpret and celebrate the vital role of the western trails during the nineteenth century westward movement; and

(4) the national scope of the nineteenth century westward movement (together with its associated historic trails) demands that the location of a central information, archival, and interpretative facility be historically significant and easily accessible to the national population.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the system of western trails which should be developed because of its national historic and cultural significance; and

(2) to provide the United States with a central information, archival, and interpretive facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting this history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within one year of the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a description of the site;

(B) the method acquisition;

(C) the estimated cost of acquisition, construction, operation and maintenance; and

(D) the manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation and maintenance of the center.

(2) In the development of the plan and design for the center the Secrtary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, and construct an interpretative center on such lands. The Secretary is authorized to accept donations of money and services for the construction of the center. The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities in accordance with standards and criteria established by the Secretary in cooperation with such entities for the operation and maintenance of the center by a non-Federal entity.

(d) COST SHARING.—(1) The Federal share of the costs related to planning, acquisition, and development of the center shall not exceed 80 percent of **[**such costs of**]** *such costs or* $10,000,000, whichever is less.

(2) In determining the portion of costs that the non-Federal entity shall provide under paragraph (1) of this subsection, the Secretary shall consider the following:

(A) a contribution of money, land or an interest in land;

(B) the provision of infrastructure facilities including roads, sewage disposal and utilities; and

(C) any other contribution that the Secretary determines to be appropriate.

[(e) SATISFACTION OF EDA RESTRICTIONS.—Notwithstanding any restriction on the use or transfer of non-Federal property imposed through laws and regulations administered by the Economic Development Administration if the Secretary accepts a donation of such property for the purpose of developing the trails interpretation center under this section, any such restriction shall be deemed satisfied.]

(e) SATISFACTION OF ECONOMIC DEVELOPMENT ADMINISTRATION RESTRICTIONS.—Any restrictions, covenants, reversions, limitations, or any other conditions imposed by the Economic Development Administration relating to or affecting the use, transfer, or other disposition of any land which is donated to the Secretary for the purpose of developing the trails interpretation center under this section shall be extinguished upon the acceptance of such donation by the Secretary.

Mr. HARKIN. Mr. President, I introduced S. 338 with Senator GRASSLEY providing for the development of a trails interpretation center in Council Bluffs, IA. I very much appreciate the interest and support that this measure has received from the members of the Public Lands Subcommittee and the full Energy and Natural Resources Committee.

For many Americans, the most intriguing part of our Nation's past is the people who helped to shape today's United States. No event did more to mold the United States than the great westward expansion of the 19th century. Thousands upon thousands of ordinary people took extraordinary risks in order to find greater opportunity and better lives for themselves and their families. As we speed along in our automobiles on the Interstate Highway System, it's hard to comprehend the daunting task which faced those who moved west over a century ago.

I think every Senator understands the importance of studying and learning from our past. Within just a few miles of this Capitol Building, we can visit the National Archives, President Washington's Mount Vernon, the Manassas National Battlefield, and a host of other historic sites. Yet when I began to look several years ago at the history of the westward expansion of the United States, I found that there is no single facility where one can learn about this pivotal event in American history.

One of the reasons, perhaps, for the lack of a center for the recognition and teaching of the westward movement is the difficulty in memorializing an event, rather than a place. It is estimated that some 350,000 persons migrated west from 1841 through 1866. While you can see signs indicating the route of the Oregon Trail, the Mormon Trail, and the route followed by the great explorers Lewis and Clark, there is no one place to gain a real understanding of the people who made this great migration. And that is what history is really about—people.

Because of what I saw as this great need to fill a gap in American history, I introduced legislation in the last Congress and in this Congress to create a Western Historic Trails Center near Council Bluffs, IA. Council Bluffs, on the banks of the Missouri River, was the single most important starting point for the emigrants, so it is an ideal place for a center to interpret this event for today's Americans.

This committee has reported S. 339 without objection and I urge that the full Senate pass the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZATION OF APPROPRIATIONS FOR BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

The Senate proceeded to consider the bill (S. 830) to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission, which had been reported from the Committee on Energy and Natural Resources, with an amendment:

On page 2, strike line 8, through and including line 24, and insert the following:

(3)(A) In addition to the actions identified in paragraphs (1) and (2), the Commission is authorized, following review and approval of the plan, to make grants for the following purposes—

(i) preservation and restoration of properties identified on the Commission's cultural resources inventory, following consultation with the Massachusetts and Rhode Island State Historic Preservation Officers concerning the need for emergency preservation and the viability of such projects;

(ii) design and development of interpretive exhibits to encourage public understanding of the resources of the Blackstone Valley;

(iii) cultural and educational programs; and

(iv) acquisition and protection of threatened lands and structures containing outstanding natural and cultural resources.

(B) Grants made pursuant to clause (i) or (iv) shall be made in an amount not to exceed 50 percent of the cost of the project assisted by such grant: *Provided,* That no grant may be made unless the plan has included specific criteria to govern eligibility for and use of any such grant which criteria satisfy all requirements which would otherwise apply to such grant if made by the Secretary and the Secretary has approved such criteria: *Provided further,* That prior to making any such grant, the Commission shall notify the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the United States House of Representatives not less than ninety days prior to making such grant setting forth the purpose of the grant, the recipient of such grant, any restrictions or other limitations attached to such grant, the amount of the grant, and the total cost of the project.

So as to make the bill read:

S. 830

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

SECTION 1. ACTION PRIOR TO PLAN APPROVAL.

Section 6(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647, 16 U.S.C. 461 note) (referred to in this Act as the "Act") is amended by adding at the end thereof the following new paragraph:

"(3)(A) In addition to the actions identified in paragraphs (1) and (2), the Commission is authorized, following review and approval of the plan, to make grants for the following purposes—

"(i) preservation and restoration of properties identified on the Commission's cultural resources inventory, following consultation with the Massachusetts and Rhode Island State Historic Preservation Officers concerning the need for emergency preservation and the viability of such projects;

"(ii) design and development of interpretive exhibits to encourage public understanding of the resources of the Blackstone Valley;

"(iii) cultural and educational programs; and

"(iv) acquisition and protection of threatened lands and structures containing outstanding natural and cultural resources.

"(B) Grants made pursuant to clause (i) or (iv) shall be made in an amount not to exceed 50 percent of the cost of the project assisted by such grant: *Provided,* That no grant may be made unless the plan has included specific criteria to govern eligibility for and use of any such grant which criteria satisfy all requirements which would otherwise apply to such grant if made by the Secretary and the Secretary has approved such criteria: *Provided further,* That prior to making any such grant, the Commission shall notify the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the United States House of Representatives not less than ninety days prior to making such grant setting forth the purpose of the grant, the recipient of such grant, any restrictions or other limitations attached to such grant, the amount of the grant, and the total cost of the project."

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act is amended by striking all of the text and inserting the following:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 10. (a) GENERAL OPERATIONS.—There are authorized to be appropriated to the Commission, for general operations, $250,000 for each of fiscal years 1988 and

1989 and $350,000 for each of fiscal years 1990, 1991, and 1992, except that the Federal contribution to the Commission for general operations shall not exceed 50 percent of the annual operating costs of the Commission.

"(b) GRANTS—There are authorized to be appropriated to the Commission, for grants authorized by section 6(c)(3), $700,000 for fiscal year 1990, $1,000,000 for fiscal year 1991, and $1,000,000 for fiscal year 1992, to remain available until expended."

Mr. PELL. Mr. President, we have just passed S. 830, a bill that I introduced to authorize the Federal funding programs needed for the Blackstone River Valley National Historic Corridor Commission to carry out its mission of preserving and interpreting an important legacy of our Nation's past.

We take a great deal of pride in the fact that America's industrial revolution was born on the banks of the hardworking Blackstone River, which flows from Worcester, MA, to Pawtucket, RI. This legislation will help to spotlight that legacy for the Nation.

I want to express my profound thanks to the senior Senator from Arkansas [Mr. BUMPERS], chairman of the Senate Subcommittee on Public Lands, and to the senior Senator from Wyoming [Mr. WALLOP], the ranking minority member of that subcommittee, and their staff members—particularly Tom Williams—for their assistance and guidance.

The national historic value of this area, and it's role as cradle of our industrial revolution, was recognized by the Congress with the enactment of the Blackstone Valley National Heritage Corridor Act—Public Law 99-646—in 1986.

The Blackstone Corridor Commission, created by this law, has done an excellent job of planning to create a chain of linear parks along the banks of the river to preserve, protect and tell the national story of the Blackstone Valley.

This is truly a bipartisan effort and I am delighted that my colleagues, the junior Senator from Rhode Island [Mr. CHAFEE], the senior Senator from Massachusetts [Mr. KENNEDY], and the junior Senator from Massachusetts [Mr. KERRY] joined me in introducing this important measure.

Our legislation authorizes an increase in the annual operating authorization of the Commission to $350,000 and authorizes funding for matching grants: $700,000 for fiscal year 1990, $1,000,000 for fiscal year 1991 and $1,000,000 for fiscal year 1992.

These operating funds will allow the Commission to bring additional experts into the planning process and the matching grants funds will help preserve historic structures, develop visitors centers, protect threatened properties, and encourage additional public participation in the parks.

When I testified in 1986 in support of the original authorization, which was sponsored by my colleague, the junior Senator from Rhode Island [Mr. CHAFEE], I noted that the Blackstone River is our link not only to the past, but to the future.

That, I think, is the most important point we can make about the Blackstone River Valley Heritage Corridor. By preserving and highlighting our pioneering industrial past, we can foster a better future and an increasing sense of pride for our citizens.

That was the vision I had back in the spring of 1983. It was then I initiated the first meeting of the National Park Service, the Rhode Island and Massachusetts Departments of Environmental Management and representatives of congressional delegations from both Rhode Island and Massachusetts to coordinate plans for the Blackstone River.

The birthplace of the American industrial revolution is well worth preserving and we, on the Federal level, should do what we can to support that effort. When we look at historic battlefields throughout America, we should not overlook one of our most important battles—the economic battle of the industrial revolution.

In these times of increasing international competition throughout the world's marketplaces, we owe it to ourselves and our children to make sure that this economic battle site is preserved and that we learn from its lessons.

Mr. CHAFEE. Mr. President, I am delighted that today the Senate has approved S. 830, a bill that greatly enhances the Blackstone River Valley Corridor project. The corridor was created as a unique type of urban park: One that highlights the cultural, historic, and economic resources of the Blackstone River Valley. I have watched the corridor project take shape and come alive in the past few years, and I believe that it is a perfect example of what can be accomplished by local communities, State government, and the Federal Government working together.

It is an area with a rich and diverse history. And the sense of community pride in the Blackstone Valley that was so strong over a century ago, still exists today. The people of the towns and cities in the Blackstone Valley—from Grafton to Uxbridge to Pawtucket—are proud of their region and are enthusiastic about its preservation and revitalization.

A few months ago, the Blackstone River Valley Historic Commission gave a presentation on its achievements over the past 3 years and its goals for the future. As an author of the original Blackstone Valley legislation, I was pleased to learn of the corridor's progress. New land has been acquired, new projects have been started, and a comprehensive management plan has been developed.

Senator PELL and I have testified before the Senate Energy Committee on behalf of this bill, as have both Commission Chairman Dick Moore of the Massachusetts House of Representatives and Vice Chairman Bob Bendick of the Rhode Island Department of Environmental Management. They, along with the other Commission members, Rhode Island and Massachusetts State officials and the members of the Blackstone Valley communities have worked extremely hard to create the corridor and infuse the project with spirit and enthusiasm.

S. 830 will amend the original Corridor Act to increase the Commission's funding from $250,000 to $350,000 per year for the next 3 years. In addition, $2.7 million will be made available to the Commission for grants to preserve historic structures, start cultural and educational programs, and assist private and public agencies in acquiring threatened properties, among other things. It is a vital piece of legislation for citizens of both Rhode Island and Massachusetts.

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

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

CONVEYANCE OF CERTAIN LAND

The Senate proceeded to consider a bill (H.R. 310) to remove a restriction for a parcel of land in Roanoke, VA, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home.

Mr. ROBB. Mr. President, I am delighted to join the distinguished senior Senator from Virginia [Mr. WARNER] in support of H.R. 310, which lifts current park and recreational restrictions on a 16.8-acre tract of land presently owned by the city of Roanoke to allow construction of a State veterans' nursing home. H.R. 310 is identical to S. 284 which Senator WARNER and I introduced on January 25, 1989.

The proposed site is adjacent to the veterans' hospital in Salem and was conveyed to the city of Roanoke in 1980 by the U.S. Government with a provision in the deed stipulating that the property be used solely for park and recreational purposes.

In removing this restriction, H.R. 310 is an essential part of an ongoing State and local effort to establish a State veterans' nursing home in Virginia.

In January 1988, the Roanoke City Council passed a resolution asking the Congress to remove this Federal restriction so that the property could be donated to the Commonwealth of Virginia. In February 1988, the Virginia General Assembly approved legislation authorizing the Governor to accept this property from the city of Roanoke.

This year, the Virginia General Assembly included a new item in the 1989 Appropriations Act authorizing the Governor to release State matching funds of not more than $6.8 million for its share of the construction costs of the new nursing home. The authorization is contingent upon Federal approval of the capital project request before the U.S. Veterans' Administration for the Federal share of the construction costs, and congressional removal of the property restriction outlined in H.R. 310.

Six hundred and sixty-four thousand Virginians are veterans, ranking the Commonwealth 13th among the 50 States in total veteran population. The proposed Dan Daniel Veterans' Care Center of Virginia—named after Congressman Dan Daniel, who died in 1987 during his 10th term in the U.S. House of Representatives—will provide 148 much needed beds for nursing home care and 76 for domiciliary care. If final approval is secured, it will be the first State veterans' nursing home in Virginia.

According to Robert Burford, the former Director of the Department of the Interior's Bureau of Land Management, the administration has no objections to H.R. 310. And on June 21, 1989, the Committee on Energy and Natural Resources favorably reported H.R. 310 by a vote of 18 to 1.

It is my hope that today my colleagues will approve H.R. 310. Passage of this legislation will bring us one critical step closer to making the Dan Daniel Veterans' Care Center of Virginia a reality, a fitting tribute to a respected Virginia Congressman, and an invaluable source of assistance to countless Virginia veterans.

The PRESIDING OFFICER. The question is on the third reading and final passage.

The bill was ordered to a third reading, and read the third time, and passed.

TRANSFER OF CERTAIN LANDS IN CLARK COUNTY, NV

The Senate proceeded to consider the bill (H.R. 1485) to direct sale of certain lands in Clark County, NV, to meet national defense and other needs; to authorize sale of certain other lands in Clark County, NV; to further the ability of the United States to recover for damages to certain marine and other resources of the National Park System; and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apex Project Nevada Land Transfer and Authorization Act of 1989".

SEC. 2. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following—

(1) The only two domestic producers of ammonium perchlorate ("AP"), a principal component of solid rocket fuel essential to the Nation's defense and space programs, are Pacific Engineering and Production Company, Incorporated ("Pepcon") and Kerr-McGee Chemical Corporation ("Kerr-McGee"), which established production facilities near the city of Henderson in Clark County, Nevada ("the county"). On May 4, 1988, an explosion destroyed the Pepcon plant, thereby substantially reducing the Nation's capacity to produce solid rocket fuel.

(2) A commission subsequently appointed by the Governor of Nevada to examine the adequacy of existing policies and regulations pertaining to the manufacture and storage of certain industrial materials has recommended new policies which imply the desirability of relocating both some of Kerr-McGee's AP production and storage facilities and also other industries to a less densely populated part of Clark County, but within reasonable distance of the present work force.

(3) The Department of Defense and the National Aeronautics and Space Administration have identified an urgent need to replace the domestic ammonium perchlorate production capacity lost in the Pepcon accident and to firm up existing production capabilities in order to meet current shortages and long-term requirements.

(4) The county has identified as the preferred site for the relocation of Kerr-McGee's AP facilities approximately thirty-seven hundred acres of land ("Kerr-McGee Site"), which is part of approximately twenty-one thousand acres of Federal lands, identified by the county as the "Apex Site", managed by the Bureau of Land Management ("BLM"). The county has advised the BLM it would like to purchase some or all of the lands comprising the Apex Site for development as a heavy-industry use zone, to locate potentially hazardous facilities. Orderly and appropriate development of such an industrial zone, in a manner consistent with public safety, protection of environmental and other values, and relevant State and Federal policies and programs (including the national defense) would be preferable to development of the lands comprising the Apex Site in an unplanned manner.

(5) The Federal lands comprising the Apex Site are presently classified for retention and multiple use by the applicable BLM land use plan. At the time the current land use plan was developed, disposal of large parcels of land immediately outside the Las Vegas Valley was not identified as a possibility. However, the expeditious transfer of the Kerr-McGee Site to Clark County for resale to Kerr-McGee, and transfer of necessary associated rights-of-way to the county, will serve an important national need which cannot be served as well on non-Federal land in Clark County and which outweighs other existing and potential public uses of the lands which would be served by maintaining them in Federal ownership.

(6) Kerr-McGee has prepared an environmental assessment on the proposed transfer of the Kerr-McGee Site and supporting utility and transportation rights-of-way, dated April 1989, entitled "Apex Nevada Land Transfer Proposal and Proposal Kerr-McGee Ammonium Perchlorate Facility", which identifies certain environmental impacts likely to result from the transfer of the site and supporting rights-of-way to the county which would be mitigated with various control measures. Any transfer by the United States of lands within the Apex Site should be conditioned upon provision of all measures appropriate to prevent or mitigate adverse environmental impacts.

(7) Lands within the Apex Site provide habitat for the desert tortoise. The BLM, recognizing that the desert tortoise habitat found in Nevada, and elsewhere, is being significantly affected, especially within the Mojave Desert, by the rapid development associated with industrial growth and by other human activities, has prepared a rangewide plan for desert tortoise habitat management on the public lands. The goal of this plan is to ensure that viable desert tortoise populations will continue to exist through cooperative resource management aimed at protecting the species and its habitat. The BLM's implementation of this plan should be accelerated.

(8) Lands within the Apex Site are close to Nellis Air Force Base and to public lands withdrawn for use by the Air Force as part of the Nellis Air Force Range complex. Nellis Air Force Base is the most active military airfield in the United States (with many of the aircraft using the base carrying live ordnance) and, together with the Nellis Air Force Range, constitutes a unique facility that plays a vital role in maintaining the combat capability of the Air Force's tactical units. Maintaining the capability of Nellis Air Force Base to fulfill its mission must be a central part of any decisions concerning future use or disposition of the lands within the Apex Site.

(b) DEFINITIONS.—As used in this Act, the following terms shall have the following meanings—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "lands" means lands and interests therein.

(3) The term "county" or "Clark County" means Clark County, Nevada.

(4) The term "Kerr-McGee" means the Kerr-McGee Chemical Corporation.

(5) The term "BLM's Desert Tortoise Plan" means the plan entitled "Desert Tortoise Habitat Management on the Public Lands: A Rangewide Plan", approved November 14, 1988.

(6) All other terms shall have the same meaning as such terms have when used in the Federal Land Policy and Management Act of 1976.

SEC. 3. KERR-McGEE SITE TRANSFER.

(a) DIRECTED SALE.—Subject to all valid existing rights, the Secretary is directed to convey the public lands comprising approximately thirty-seven hundred acres designated as "Area 1" and "Area 2" within the "Kerr-McGee Site" on the map entitled "Apex Heavy-Industry Use Zone" dated May 1989, to Clark County, Nevada, solely for sale to Kerr-McGee, in return for payment of the lands' appraised fair market value, as determined by the Secretary in ac-

cordance with established appraisal practices. However, the lands within Area 1 shall not be conveyed unless and until the Secretary has received a written commitment from Clark County and Kerr-McGee that whichever is offered the opportunity to purchase the lands within Area 2 will do so at such lands' appraised fair market value when the lands are offered pursuant to subsection (c) of this section.

(b) RIGHTS-OF-WAY.—Subject to all valid existing rights, the Secretary is directed to grant utility and transportation rights-of-way to Clark County for the connection of existing electric power, water, natural gas, telephone, railroad and highway facilities to the Kerr-McGee Site, all as generally depicted on the map entitled "Rights-of-Way and Proposed Access and Utility Locations" dated May 1989. Each right-of-way shall not exceed two hundred feet in width and shall not preclude the Secretary from permitting other uses of the affected lands compatible with the uses for which such rights-of-way are granted. Clark County may permit other parties to use the lands covered by such rights-of-way for some or all of the purposes specified in this subsection.

(c) TIMING, ETC.—(1) Subject to subsections (a) and (b) of this section, the Secretary shall offer to sell to Clark County the lands within the Kerr-McGee Site depicted as Area 1 and shall offer to grant the rights-of-way described in subsection (b) of this section to Clark County within thirty days of the date of enactment of this Act, but the Secretary's duty to transfer such lands and rights-of-way shall not lapse if they are not offered to the county within the prescribed time. Such sale shall be for fair market value, as determined by the Secretary in accordance with established procedures of the BLM. If Clark County fails to purchase such lands within sixty days of receiving the Secretary's offer, the lands and rights-of-way shall be offered to Kerr-McGee for sale and grant on the same basis, and subject to Kerr-McGee's entering into an agreement with the Secretary similar to the agreement described in section 6(a). If within sixty days after such offer, Kerr-McGee fails to purchase such lands, the lands shall become subject to the authorization provided for in section 4 of this Act, and the total acreage authorized for disposition under this section shall be increased accordingly.

(2) If the lands within Area 1 are purchased pursuant to paragraph (1) of this subsection, upon completion of a survey of the boundaries of Area 2, the Secretary shall offer to sell to the purchaser of Area 1 the lands within Area 2 at their appraised fair market value, as determined by the Secretary in accordance with established procedures of the BLM.

(3) Each right-of-way granted pursuant to this section shall be subject to rental payments and other conditions provided for in applicable law, including the Federal Land Policy and Mangement Act of 1976 and this Act. The amounts received by the United States from sales of lands covered by this section shall be distributed pursuant to laws generally applicable to sales of public lands.

SEC. 4. AUTHORIZATION FOR ADDITIONAL TRANSFERS.

(a) SALE AUTHORIZED.—Notwithstanding any BLM land use plan calling for retention of the Apex Site and notwithstanding the reporting requirements and competitive bidding requirements of section 203 of the Federal Land Policy and Management Act of 1976, the Secretary is authorized, subject to any other requirements of law, including the conditions of this section, to sell to Clark County some or all of the lands within the Apex Site, depicted on the map referred to in section 3(a), that lie outside the boundaries of the Kerr-McGee Site (as depicted on such map) for fair market value as determined by the Secretary in accordance with established appraisal procedures.

(b) REQUIREMENTS AND CONDITIONS.—If, no later than one year after the date of enactment of this Act, the county demonstrates to the satisfaction of the Secretary that the county has designated the lands comprising the Apex Site as a heavy-use industrial zone, pursuant to applicable laws of the State of Nevada, and has adopted a plan for the development of some or all of such lands accordingly, the Secretary shall offer to enter into a land sales agreement with Clark County for the transfer of some or all of such lands to the county by one or more direct sales pursuant to this section over a period not to exceed ten years. Such agreement shall provide for purchasers of parcels of the lands within the Apex Site, with any specific parcels to be sold to be determined by the Secretary, in response to proposals by the county and after consultation with the Secretary of the Air Force concerning any potential impact of any such sale on activities associated with Nellis Air Force Base. The purchase price for each parcel shall be its appraised fair market value at the time of the sale, but any agreement between the county and the Secretary under this section shall provide that if the county sells any such parcel or portion thereof, the county shall pay the United States an amount equal to 50 per centum of the amount by which the amount received by the county exceeds 110 per centum of the sum equal to the total amounts expended by the county for acquisition of such parcel or portion thereof, for improvements to such parcel or portion thereof, and for preparation of such parcel or portion thereof for sale.

(c) RIGHTS-OF-WAY.—Pursuant to applicable law, the Secretary may grant Clark County such rights-of-way on public lands as may be necessary to support the development as a heavy-use industrial zone of some or all of the lands identified in subsection (a).

(d) PROCEDURES.—Except as specified in subsection (a) nothing in this section shall relieve the Secretary from compliance with all laws applicable either to the transfer of some or all of the lands identified in subsection (a) or to the granting of any rights-of-way, including, but not limited to, the National Environmental Policy Act of 1969. Unless otherwise specified in this Act, sales of lands pursuant to this section shall be made and patents or other documents of conveyance shall be issued as if such sales were made pursuant to the Federal Land Policy and Management Act of 1976.

(e) WITHDRAWAL, ETC.—(1) Subject to all valid existing rights, the lands within the Apex Site (depicted on the map referred to in section 3(a)) are hereby withdrawn from all forms of entry and appropriation under the public land laws, including the mining law, and from operation of the mineral leasing and geothermal leasing laws, but shall remain available for disposition under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.) and for sale under this Act or other applicable law. This withdrawal shall continue in effect until a parcel of land affected by such withdrawal is sold, if such sale includes the right, title and interest of the United States in the minerals in such parcel. If the county or another party to whom such parcel is offered, elects not to seek to purchase the minerals in any such parcel, such parcel shall remain withdrawn from entry, location, or patent under the mining laws but after receipt by the Secretary of notification that the county or other offeree does not seek to purchase such minerals, such parcel shall be open to operation of the mineral leasing and geothermal leasing laws. The withdrawal made by this subsection shall continue for twelve years after the date of enactment of this Act or until otherwise provided by an Act of Congress enacted after the date of enactment of this Act.

(2) Before offering any parcel for sale pursuant to an agreement with the county under this section, the Secretary (in addition to other requirements of law) shall consider whether development of such parcel as part of a heavy-use industrial zone, including any appropriation mitigation measures, would be inconsistent with BLM's Desert Tortoise Plan.

(f) COGENERATION PROJECT.—Notwithstanding any withdrawal of the Apex Site (depicted on the map referred to in section 3(a)), and subject to the provisions of applicable law, the Secretary may grant to holders of valid existing mill-site claims on such lands such rights-of-way as may be necessary for the construction, operation, and maintenance of facilities required in the cogeneration of electricity at the site of existing mill-site operations on such claims, unless and until the land subject to such claims is transferred out of Federal ownership. No such grant shall be made unless and until all environmental studies required in connection with such construction, operation, and maintenance have been completed and any necessary mitigation measures have been agreed to.

SEC. 5. RESERVATION OF RIGHT-OF-WAY CORRIDORS

The transfer of lands pursuant to section 4 of this Act shall be subject to the reservation to the United States of the right-of-way corridors depicted on a map entitled "Right-of-Way Corridors Across the Apex Heavy Industrial Zone" dated May 1989. These corridors shall be administered by the Secretary, who may grant rights-of-way over, upon, under and through the corridors consistent with applicable law. In the administration of such corridors, the Secretary shall, so far as feasible, locate rights-of-way so as to have the least possible impact on any industrial uses. Nothing in this Act shall be construed as restricting the authority of the Secretary, under the Federal Land Policy and Management Act of 1976 or other applicable law, to reserve or grant any other rights-of-way with respect to such lands, in addition to the rights-of-way described on such map.

SEC. 6. ENVIRONMENTAL CONSIDERATIONS.

(a) KERR-MCGEE SITE.—The Secretary shall not make the conveyance directed by section 3 until Kerr-McGee and Clark County have entered into a written agreement with the Secretary whereby Kerr-McGee and the county commit to undertake the measures specified in the document identified in section 2(a)(6) in order to mitigate adverse effects on wildlife and other resources and values resulting from the use of such lands for industrial purposes. At the request of the Secretary, the Attorney General of the United States may bring an appropriate legal action to enforce such agreement.

(b) BLM REPORTS.—(1) No later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report as to the funds and personnel required to fully implement BLM's Desert Tortoise Plan.

(2) As soon as possible after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall arrange for a class-three soil survey of public lands in Clark County, to assist in the implementation in such county of BLM's Desert Tortoise Plan and other aspects of the management of the public lands in such county.

(3) As soon as possible after the date of enactment of this Act, the Secretary shall invite public proposals for the designation, pursuant to the Federal Land Policy and Management Act of 1976, of areas of critical environmental concern whose designation would further the implementation of BLM's Desert Tortoise Plan or otherwise assist in the protection of resources and values of public lands in Nevada. The Secretary shall provide a reasonable period for receipt of such proposals, shall evaluate all proposals received, and shall take such action thereon as the Secretary considers appropriate.

(4) As soon as possible after the date of enactment of this Act, the Secretary shall consider the desirability of restricting or eliminating uses of pubic lands in the Paiute Valley which may conflict with implementation of BLM's Desert Tortoise Plan with respect to those lands. No later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report concerning the results of the Secretary's actions pursuant to this paragraph.

(c) OTHER REPORTS.—(1) At the time that the President submits a budget request for fiscal year 1991, and annually thereafter for fifteen years, the Secretary shall submit to the Congress a statement of the total amounts received by the United States as the result of sales of public lands described in this Act, and an account of the distribution of such receipts.

(2) No later than ninety days after the date of enactment of this Act, the Secretary shall evaluate the desirability of acquisition of the lands specified in appendix A to the report of the Committee on Interior and Insular Affairs of the United States House of Representatives to accompany H.R. 1485 of the One Hundred First Congress (House Report 101-79). Such evaluation shall be based solely on the resources and values of such lands and the extent to which national policies and programs for management of such resources and values would be furthered by such acquisition. Promptly after the completion of such evaluation, the Secretary shall report the results thereof to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and the Representatives and Senators from the State of Nevada.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the lands identified in sections 3, 4, and 5 with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal descriptions. The maps and legal descriptions shall be on file and available to public inspection in the offices of the Director of the BLM.

Amend the title so as to read: "An Act to direct the sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, Nevada; and for other purposes.".

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

The title was amended so as to read: "An Act to direct the sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, Nevada; and for other purposes.".

UNITED STATES SENATE

CONGRESSIONAL SALARIES, 1789-1989

Mr. BYRD. Mr. President, this is one in my continuing series of speeches on the history of the Senate.

Mr. President, much has been in the news in recent months about a congressional salary increase. This past winter, irate citizens beseiged the offices of senators and representatives with letters and telephone calls protesting the substantial pay increases for federal employees that were recommended by the Commission on Executive, Legislative, and Judicial Salaries and endorsed by President Ronald Reagan. While the proposed pay increase would have affected thousands in the executive and judicial branches, it was the increase to members of Congress that aroused the wrath of so many Americans. The story has been the same since the beginning of our Republic.[1]

The subject of congressional pay generated considerable discussion in 1787 at the Constitutional Convention in Philadelphia. The records of the Convention reveal that the question of compensation for members of Congress plagued that forum's delegates from the very beginning. In late May 1787, Delegate John Randolph of Virginia presented what became known as the "Virginia Plan" for the future government. Point three of the "Virginia Plan" provided "that the National Legislature ought to consist of two branches." The next point specified that the members of these two as-yet-unnamed branches were "to receive liberal stipends by which they may be compensated for the devotion of their time to public service." [2] As debate progressed, the word "liberal" was removed from the phrase "liberal stipend." Next, several delegates questioned whether members of the "second branch"—the Senate—should be compensated at all. This, after all, was to be the branch of Congress dominated by the elite of the nation. That proposal was quickly abandoned.

Virginia delegates James Madison and George Mason sought to depart from the system of congressional compensation, under the Articles of Confederation, in which individual states determined the salaries of their representatives. They, and others at the Philadelphia Convention who favored strengthening the central government, believed that it was essential to pay congressional salaries from the national treasury. The records of the Convention note:

> [Madison] observed that it would be improper to leave the members of the Natl. legislature to be provided for by the State Legisls: because it would create an improper dependence; and to leave them to regulate their own wages, was an indecent thing, and might in time prove a dangerous one. He thought wheat or some other article [of which] the average price throughout a reasonable period precedn'g might be settled in some convenient mode, would form a proper standard.
>
> Col. Mason seconded the motion; adding that it would be improper for other reasons to leave the wages to be regulated by the States. 1. the different States would make different provision for their representatives, and an inequality would be felt among them, whereas he thought they ought to be in all respects equal. 2. the parsimony of the States might reduce the provision so low that as had already happened in choosing delegates to Congress, the question would be not who were most fit to be chosen, but who were most willing to serve.[3]

After much debate during that long hot summer of 1787, the issue of compensation was finally decided. Or, perhaps it would be more accurate to say that the framers—in their infinite wisdom—chose not to decide the issue. Article I, section 6, of the Constitution provides that senators and representatives "shall receive a Compensation for their services, to be ascertained by Law, and paid out of the Treasury of the United States."

Of course, the matter was not really settled at all. Just as Madison and others had feared, having members of Congress vote on their own pay quickly caused trouble. In the First Congress, the legislative compensation bill provoked intense controversy. While the bill was in the House, several representatives brought upon themselves charges of demagoguery by urging a cut in the six-dollar-per-diem compensation recommended by the committee charged with determining the amount to be paid. Next, James Madison and John Page of Virginia earned the enmity of many of their House colleagues when they suggested that senators receive a higher rate of pay than

representatives because greater service was likely to be demanded of members of the upper house.

In the Senate, a special committee considered the House-passed compensation bill and made its recommendations on August 27, 1789. The committee accepted the House provisions that each senator and representative receive six dollars for each day he attended a regular legislative session and six dollars per twenty miles of distance traveled "by the most usual road" from his residence to the capital. The committee then went beyond the House version to provide that, when the Senate was called into special session to consider executive nominations, its members be paid eight dollars daily and eight dollars per twenty miles of travel. This plan would remain in effect until the start of the Fourth Congress in 1795.

The following day, William Maclay submitted an amendment to reduce the daily rate to five dollars. He argued that it was folly for the Senate to think it might increase its dignity in the public's eyes by taking a salary higher than that of the House. Voting 14-4, the full Senate defeated Maclay's amendment. When Senator Oliver Ellsworth sought unsuccessfully to reduce the House rate to five dollars, Vice President John Adams became so agitated that he was unable to sit still. Three times he interrupted Ellsworth, suggesting that the former Congress under the Articles of Confederation had degenerated in part because of inadequate pay. The Senate then reduced the eight-dollar rate that senators would receive for special sessions to seven dollars.

The House refused to agree to a salary differential, and a conference committee convened on September 10 to try to find common ground. Senate conferees held fast in support of a differential, but, by way of compromise, they proposed that the compensation act be limited to seven years and that the differential for senators apply only for the seventh year—from March 4, 1795, to March 4, 1796. Senate conferees added, that if House members did not like this arrangement, they should pass a separate law providing for their own compensation. These suggestions provoked an acrimonious debate and howls of protest from the House, which rejected the conference report on a 24-29 vote. On the following day, the House reconsidered and reversed its earlier action, passing the measure by a narrow 28-26 margin. President Washington signed the act on September 22.

The Act (H.R. 19), as finally passed, provided that at every Session of Congress, and at every meeting of the Senate in recess of Congress, prior to March 4, 1795, each Senator was entitled to receive six dollars for every day in attendance, and, at the commencement and end of every such Session and meeting, was allowed six dollars for every twenty miles "of the estimated distance by the most usual road from his place of residence to the Seat of Congress." After March 4, 1795, and until March 4, 1796, Senators were to be paid seven dollars for every day of attendance at Sessions of Congress and meetings of the Senate in recess, and seven dollars at the beginning and end of every such Session and meeting in recess, for every twenty miles to and from the Seat of Congress. Representatives, on the other hand, were not to share in the increased pay and travel allowance accorded to Senators between March 4, 1795, and March 4, 1796, but were to receive six dollars per day of attendance at Sessions and six dollars for every twenty miles to and from the Seat of Congress throughout the duration of the Act until March 4, 1796.[4]

The legislative compensation act also provided salaries for congressional staff. The chaplain of each house would receive an annual salary of five hundred dollars. The secretary of the Senate and the clerk of the House would be paid fifteen hundred dollars, plus two dollars for each day their respective houses were in session. The Senate's principal clerk and its doorkeeper would be paid only during sessions at three dollars per day, while the engrossing clerk and the assistant doorkeeper would receive two dollars per day.

Though they had addressed the question of compensation for the moment, few members of Congress believed the matter settled for good. In the fall of 1789, the issue found its way into a proposed amendment to the Constitution. On September 25, 1789, Congress sent twelve proposed amendments to the states for ratification. The second of these amendments read as follows:

> No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.[5]

On December 19, 1789, Maryland became the first State to ratify the congressional salary amendment. North Carolina followed on December 22, South Carolina and Delaware in January 1790, Vermont and Virginia in 1791. And that was it! Long after ten other amendments in the package had been incorporated into the Constitution as the Bill of Rights, the congressional salary amendment, and an amendment related to congressional apportionment, languished. Eighty-two years passed before Ohio, in 1873, became the seventh state to ratify it. The amendment languished, but it did not die. The amendment was proposed without a ratification deadline; and, as I shall discuss later, it is technically still pending before the states.

Why, we might wonder, did this amendment not win easy ratification if interest in congressional pay was keen? Constitutional scholars believe that the congressional pay and apportionment amendments were just too different from the other ten, which guaranteed what we now take for granted as our basic freedoms and over which there was such passionate debate in the ratifying conventions. Compared to freedom of speech, freedom of religion, freedom against unlawful search and seizure, congressional pay and apportionment looked like mere housekeeping details.

Though the Constitutional amendment regarding congressional pay made little headway, the question of specific salary rates continued to trouble members. Inevitably, it would surface again. And it did, in 1796, when the seven-year compensation bill expired, with its provision for a differential in the senators' favor during the seventh year only—March 4, 1795, to March 4, 1796. This time, there was little taste for acrimony or arguments over superiority. On March 1, 1796, the House sent to the Senate "an act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses." It was passed on March 4, the day the old measure was to expire.

The new compensation act, which President Washington signed into law on March 10, 1796, provided that "at every session of Congress, and at every meeting of the Senate in the recess of Congress . . . each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress." Except for the phrase about extra sessions of the Senate, the wording for the Representatives was identical. Gone was any pay differential. All Members of Congress would receive six dollars per day. And their salaries remained at that level for the next twenty years![6]

The six-dollar per diem worked out to an annual salary of between nine hundred and one thousand dollars. But even this seemingly modest sum drew fire from the press, which pointed out that members of the British House of Commons were paid the equivalent of less than a dollar a day!

In 1816, in view of the increased cost of living, a bill was introduced in the House that provided for an annual salary of fifeen hundred dollars, or almost a 60 percent increase. The argument was made that an annual salary, in place of the per diem of six dollars, would shorten sessions and

thus save the government money. The measure's chief sponsor, Representative Richard Johnson of Kentucky, argued that members were deliberately extending their speeches. This delayed essential bills and made it necessary to call special sessions, which would allow members to collect more money.

After lively debate, both houses passed, and President Madison signed, the measure. This new law sparked a firestorm of criticism. Members who voted for the yearly salary were denounced from one end of the nation to the other. In Georgia, senators were hanged in effigy. In Tennessee, citizens demanded that the entire state delegation resign. The elections of 1816 proved a disaster for members who had backed the pay raise, as they were turned out of office in large numbers. To gauge the impact of this issue, one simply has to compare the number of members of the Senate and House who did not return to Congress following the elections of 1814 (93 members), 1816 (128 members), and 1818 (88 members). The 1816 number was 38 percent greater than in the previous election and 45 percent larger than in the following contest.

At the next session of Congress, the Senate and House quickly repealed the fifteen-hundred-dollar yearly salary, and the amount reverted to six dollars per diem. In 1818, the per diem was raised to eight dollars where it remained for thirty-eight years. In 1856, Congress finally established an annual salary rate—three thousand dollars. Ten years later, in 1866, during the days of war-time inflation, members raised their salaries to five thousand dollars.

The provision for docking members' pay, for the days that they did not attend, originated in 1856 as part of the plan to abandon the per diem in favor of an annual salary. Some members opposed changing from the daily rate to an annual salary because they feared it would further stimulate the already high rate of absenteeism. They anticipated, not without justification, that a few of their colleagues would simply collect their salaries and spend much of their time at other pursuits. To combat that argument, the House added a provision to the salary bill authorizing the secretary of the Senate and the sergeant at arms of the House to dock absent members' pay "unless such member assigns as the reason for such absence the sickness of himself or some member of his family." While the statute remains on the books, it quickly became a "dead letter" because it is clear that members' service is not confined to the floors of their respective houses.

In 1873, congressmen proposed raising their salaries from five thousand to seventy-five hundred dollars a year. The public furor unleashed by the proposal has not been equaled before or since. More explosive than the size of the increase was a provision making the raise retroactive for two years. That meant that every member of Congress, even those retiring or voted out of office, would receive a tidy windfall of five thousand dollars!

The press quickly dubbed the 1873 salary increase proposal the "salary grab" and the "back-pay steal." But despite heavy criticism, members pressed ahead. They could not argue, as they had argued half a century before, that the increase would actually save the government money. Quite simply, they argued that they desperately needed additional funds. Cries of poverty went up from the House and Senate, and from both parties. Richer members offered impassioned pleas on behalf of their poorer colleagues.

"Take the expense of any member of Congress that lives with a family in the most economical style here," argued millionaire Nevada Senator William Stewart, who allegedly spent more than five thousand dollars on a single Washington party, "and he cannot live on his $5,000." Oregon Senator Henry Corbett, a rich merchant, banker, and railroad promoter, spoke out for "justice", "toward those living a great way off who come here a great distance from their homes, who are obliged to bring their families here and establish them and make a home." [7]

Senator Simon Cameron of Pennsylvania, stating that he would vote for the amendment mainly because . . . the salary of the President ought to be increased," described how costs had escalated during his three decades of government service in Washington. "As to the pay of members of Congress, I do not care a button about it [the additional $2,500] myself," explained the millionaire Pennsylvania political boss, who was living at the Willard Hotel; but he sympathized with the plight of the poorer members. "I came here first at eight dollars a day [in 1845 when he became a senator], and that pay covered all my expenses then," Cameron reminisced. "I boarded at Gadsby's, and we had canvas-back ducks on the table every day in the season, and everything else in proportion, and I only paid ten dollars a week board. . . . After a while I got $3,000 a year, and it took all of that to pay [his expenses]; and now I get $5,000 a year, and although I have no family here except my wife and myself it costs me twenty-five dollars a week more than I receive from the Government for my board." Cameron cited specific examples of the increase in the cost of housing in Washington: ". . . a member of the Cabinet [Secretary of State Hamilton Fish] now lives in the house I occupied when I filled a place in the Cabinet [Secretary of War 1861-1862]. . . . I had the furniture and the house for $100 a month. Now he pays $6,000 a year rent for the same house without furniture." [8]

Senator Wright based his exposition on the need for economy in government:

". . . every day we have had evidence of the difficulty of the Government in . . . paying for the actual wants of the Government in its actual and necessary administration. We know that so far as the taxes are concerned, . . . it is almost impossible to pay the actual running expenses of the Government in connection with the interest upon our public debt. All over this land there is a complaint of taxation, and want, and suffering. Every day the cry comes to us from the people. . . . [salaries] are high enough already. There never has been a time yet but that good men throughout the land have sought these places at the salaries fixed by law." [9]

Some members, like Senator John Scott of Pennsylvania and Senator Justin Morrill of Vermont, both wealthy men, took the moral high ground, arguing that men should not aspire to a seat in Congress with an eye to a high salary, but out of selfless desire to serve the public. Seeing that his lofty argument was getting nowhere, however, Senator Morrill eventually adopted the more practical argument of unseemliness. "I believe," said the Vermont senator, who had just moved into a handsome mansion on Thomas Circle, "we ought to set an example of frugality at the capital of our country. . . . Certainly it seems to me not only wrong in itself but wholly inopportune, and I trust the Senate will reach the same conclusion." [10]

The majority of Morrill's colleagues did not reach the same conclusion, and many grew irritated by the sanctimonious speeches of the opponents of the increase. Senator Matthew Carpenter, a wealthy lawyer from Wisconsin and one of the unabashed champions of the increase, managed to take a few well-aimed swipes at his high-minded colleagues while presenting an unvarnished assessment of the importance of wealth to a political career:

The expense of living has advanced fearfully beyond what it was in the days of the Revolution. . . . The people of Wisconsin if they send a man here to represent them in the Senate wish him to live how? In the garret of a five-story building on crackers and cheese, to dress in goat skins and sleep in the wilderness? No. When they come here and ride by the mansions of my honorable friends from Vermont [Mr. Morrill and Mr. Edmunds] up on the Circle, see their elegant house, brilliantly lighted, surrounded by acres of pavement, parks, fountains . . . and then come to the homes of the "poor white trash" of this Senate and find their own Senators among them, they will not like that. (Laughter) They have manly pride; and expect to find their Senators living like other Senators. . . . The people of Wisconsin know that the services of a competent cashier of a bank or president of an insurance company cannot be secured short of a salary of $10,000 a year. They believe a Senator ought to have as much brains as a

cashier of a bank or president of an insurance company. And they are willing to pay accordingly. . . . There is great sublimity undoubtedly in the idea of rising above all the accidents of human nature, looking at things in the abstract, and regarding a man dressed in goat skins precisely as one dressed like a gentleman; but unfortunately the sentiment is not respected in practical life. Would my honorable friend from Vermont, [Mr. Morrill] or my honorable friend from New Jersey, [Mr. Frelinghuysen] if he was about giving a party, invite even a good man who is so eccentric as to defy all the canons of society in dress and demeanor? [11]

If the arguments for and against the salary bill of 1873 sound familiar to my colleagues today, perhaps those who lament the current plight of federal judges will take comfort in the fact that history is merely repeating itself. Senator Corbett's remarks 116 years ago are strikingly reminiscent of those we heard in January and February of this year:

I know of district judges who are receiving but $3,500 a year who ought to receive at least $5,000; and if we cannot provide for the judiciary of this country by giving them respectable salaries in order that they may maintain themselves in their integrity and place them beyond want and temptation, I think we had better not vote ourselves salaries.

Despite the public outcry, the salary increase passed; and President Ulysses Grant signed the bill, thereby also doubling his own salary. Senator Carpenter and the other congressmen who claimed that their constituents supported increased salaries were sadly mistaken. Quite the contrary. The storm of abuse that broke over members of Congress when the odious bill passed on March 3, 1873, reflected their constituents' lack of sympathy with their plight, especially in the midst of a deepening economic depression.

Startled by the ferocity of the outcry, members rushed to return their back pay to the Treasury or donate it to charity. In January 1874, congressmen who worried about reelection that fall, including Senator Carpenter, voted to repeal the salary increase. But the damage had already been done. That November, in bitter campaigns focusing on the "salary grab," the voters voted out member after member who had supported the "back-pay steal." Senator Matthew Carpenter's head was one of those that rolled.

Not until 1906, a third of a century after the infamous "salary grab," did Congress again seriously consider an increase in congressional pay. Throughout the intervening decades, members' salaries had remained at five thousand dollars. With little fanfare, representatives and senators quietly voted themselves an increase of twenty-five hundred dollars a year; and their new salary of seventy-five hundred dollars took effect in 1907.

In 1925, the Senate attached a rider to the legislative appropriation bill, to provide that the pay of members would be increased to ten thousand dollars. There was not a word of debate on the amendment, and the vote was taken unexpectedly at an evening session when several senators who opposed the proposal were absent. The House passed the provision after a half hour of debate, without a recorded vote. President Calvin Coolidge was placed in an embarrassing dilemma, however, because the salary increase ran counter to the economic program he had been urging. Yet, he knew that if he vetoed the bill, Congress would have delayed or prevented other badly needed appropriations. Consequently, he signed the bill.

When it comes to salaries, what goes up seldom comes down. But, in 1932 and 1933, at the height of the Great Depression, members of Congress voted to reduce their own salaries, along with those of other federal workers, as part of a package of measures to cut government spending. The Economy Act of 1932 reduced members' pay 10 percent, from $10,000 to $9,000; and, in 1933, their compensation was further lowered to $8,500. As economic conditions improved, in 1934 and 1935, salaries rose again, first to $9,000 and then to the earlier level of $10,000. Following World War II, in 1946, Congress increased its pay to $12,500.

That is what the salary was when I came to the House of Representatives in January of 1953, $12,500.

Then, in 1955, Congress voted an 80 percent increase to $22,500. Coming at a time of economic prosperity, the action raised little outcry.

Periodic pay increases have continued: in 1965, to $30,000; in 1969, to $42,500; in 1975, to $44,600; in 1977, to $57,500; in 1979, to $60,662; in 1983, to $69,800; in 1984, to $72,600; and, in 1985, to $75,100. In 1987, there were two increases, bringing the annual salary to its current level of $89,500.

On October 1, 1965, for the first time, a slightly higher salary rate was established for Senate and House majority and minority leaders. Prior to 1969, the Senate president pro tempore received the same salary as other senators, except when there was no vice president. During such vacancies, his salary was the same as the vice president's. In 1969, the president pro tempore's rate was tied to that of the majority and minority leaders. Today, that rate is $99,500.

In 1983, for the first time since 1795, members of the Senate and House received differing rates of compensation. For the first six months of that year, the Senate declined the higher legislative rate that had taken effect on January 1. Consequently, House members received an annual rate that was $9,137.50 higher than that paid to senators. On July 1, 1983, the congressional rate of $69,800 was extended to senators.

These nineteen actual pay raises over the past two hundred years (twenty, if we count the partial restoration in 1934) have been achieved in three ways; and a fourth route may be in the making. During the eighteenth, nineteenth, and early twentieth centuries, members had to go on record as voting specifically to raise or not to raise their salaries. In recent decades, however, senators and representatives have adopted an intricate series of mechanisms designed to shift recommendations for pay increases to independent commissions appointed by the president.

The record 80 percent increase in 1955 was suggested by an independent commission, formally called the Commission on Judicial and Congressional Salaries, that had been set up by Congress two year earlier. In order to be approved, the panel's proposals required a vote by Congress. In 1967, Congress established the President's Commission on Executive, Legislative, and Judicial Salaries, referred to as the "quadrennial commission," which would make salary recommendations every four years. Unlike the system with the earlier panel, this commission's recommendations would become law unless either chamber passed a resolution to block them.

The third method by which congressional pay has been increased was established in 1975, when Congress voted to make members eligible for the same annual cost-of-living increases given to other federal employees. Members would still, however, have to vote on appropriations to fund the increase. Then, in 1981, Congress devised procedures whereby members could receive the cost-of-living increases without having to vote on appropriating the funds.

In 1985, the quadrennial commission process underwent revision, because the old procedure by which either chamber could block the president's recommended pay raise was upset by the Supreme Court ruling (*Immigration and Naturalization Service* v. *Chadha*), which banned such "legislative vetoes." Congress, therefore, rewrote the law to conform to the Court's decision. Now, to block a recommended pay increase, both chambers are required to pass a resolution of disapproval, which the president must sign, within thirty days of the date the president submits his budget.

At present, another procedure is being sought to make congressional pay raises more palatable. It involves resurrecting an idea that has been around for two hundred years: the proposed congressional salary amendment to the Constitution that I mentioned earlier. The notion is simple:

keep members from pocketing a salary increase until after they face voters in the next election. I shall read the amendment again: "No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened." Unlike most modern attempts to change the Constitution, the salary amendment had no time limit for state ratification. Technically, the amendment still needs only a thirty-eight-state majority for ratification. Since the original six States ratified the amendment between 1789 and 1791, twenty-two additional States have ratified it—nineteen of them in just the last five years—bringing the total to twenty-eight, ten shy of the required number.

It remains unclear as to whether Congress or the courts would allow an amendment, slowly ratified over two hundred years, to take effect. Is an amendment to the Constitution still viable after two centuries? While the answer to that question is as yet uncertain—and there are other questions to which the answers are equally uncertain—one thing is clear: interest is strong on all sides, and we will undoubtedly continue to struggle with the salary issue as Congress moves into its third century.

FOOTNOTES

[1] Sources consulted for this speech, in addition to the files of the Senate Historical Office and the Senate Library, include: Paul Dwyer and Frederick Pauls, "A Brief History of Congressional Pay Legislation," CRS Report 87-685, 1987; Frederick Pauls and Paul Dwyer, "A Brief Report on Congressional Pay," CRS Report 86-1051, 1986; Kathryn Allamong Jacob, "High Society in Washington During the Gilded Age," PhD Dissertation, Johns Hopkins University, 1986; Mike Mills, "Raising Members' Pay." *CQ Weekly*, February 4, 1989; "Proposed Amendment, Age 200, Showing Life," *Washington Post*, March 29, 1989; David Huckabee. "The Constitutional Amendment to Regulate Congressional Salary Increases," CRS Report 86-889, 1986.

[2] Max Farrand, ed., *The Records of the Federal Convention*, vol. I. (New Haven: Yale University Press), p. 20.

[3] Ibid., pp. 215-216.

[4] Charlene Bangs Bickford and Helen Veit, eds., *Documentary History of the First Federal Congress of the United States of America*, vol. VI (Baltimore: Johns Hopkins University Press, 1986), pp. 1833-45.

[5] Ibid., vol IV, pp. 1-48.

[6] *Annals of Congress*, 4th Congress, March 1-4, 1796, pp. 48-50; *U.S. Statutes at Large*, Vol. I, pp. 448-49.

[7] *Congressional Globe*, 42nd Cong., 3rd sess., Washington, DC: 1873, pp. 2048-2049.

[8] Ibid., pp. 2046-2047.

[9] Ibid.

[10] Ibid., pp. 2180, 2049.

[11] Ibid., p. 2181.

[12] Ibid., p. 2047

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR MONDAY, JULY 17, 1989

RECESS UNTIL 11:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent, on behalf of the distinguished majority leader, that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. on Monday next.

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

MORNING BUSINESS AND RESUME PENDING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on Monday next, there be a period for the transaction of morning business not to extend beyond 12 noon, and that Senators may speak therein for not to exceed 5 minutes each, and that at the hour of 12 noon, the Senate resume its consideration of S. 1160, the State Department authorization bill.

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

RECESS UNTIL 11:30 A.M., MONDAY, JULY 17, 1989

Mr. BYRD. Mr. President, on behalf of the distinguished majority leader, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11:30 a.m. on Monday next.

The motion was agreed to; and, at 3:57 p.m., the Senate recessed until Monday, July 17, 1989, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1989:

DEPARTMENT OF STATE

RICHARD ANTHONY MOORE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

DEPARTMENT OF COMMERCE

DENNIS EDWARD KLOSKE, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE PAUL FREEDENBERG, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL R. DELAND, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE A. ALAN HILL, RESIGNED.