SENATE—*Monday, July 17, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Let us pray:

Blessed are the poor in spirit: for theirs is the kingdom of heaven.

Blessed are they that mourn: for they shall be comforted.

Blessed are the meek: for they shall inherit the earth.

Blessed are they which do hunger and thirst after righteousness: for they shall be filled.

Blessed are the merciful: for they shall obtain mercy.

Blessed are the pure in heart: for they shall see God.

Blessed are the peacemakers: for they shall be called the children of God.

Blessed are they which are persecuted for righteousness' sake: for theirs is the kingdom of heaven. Matthew 5:3-10.

Gracious God, unrealistic as these words of Jesus sound in our culture, lead us in the way of the blessed life that we may be a blessing to each other, our families, and the people.

In the blessed name of Jesus. Amen.

RECOGNITION OF THE MAJORITY LEADER

The 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 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 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Mr. President, at noon the Senate will resume consideration of S. 1160, the State Department authorization bill.

There will be no rollcall votes today. If votes are ordered, they will occur tomorrow after 2:15 p.m.

Under the unanimous-consent agreement, a vote on the Moynihan amendment (No. 268) will occur at 2:15 p.m. tomorrow. Other votes on or in relation to the State Department authorization are likely thereafter during the session tomorrow.

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

The PRESIDENT pro tempore. Without objection, the remainder of the leader's time will be reserved to the majority leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the order, the Republican leader is recognized.

Mr. DOLE. Mr. President, I would only indicate that it is my hope that sometime this week, following the item the majority leader has addressed, we can find time to pass drought legislation. It is my hope, and I hope and I believe the hope of Members on both sides who serve on the Agriculture Committee, that we can find some way to address the immediate problem in those areas that already have demonstrated loss; at the same time try to devise some mechanism to take care of any future disaster losses in spring crops.

If we can address that and find enough money to do it, then I think we can pass a bill in the Ag Committee which would pass the Senate very quickly, if we have a consensus.

In addition, I know the chairman of the committee is very eager to pass rural development legislation. There have been no specific hearings held on that legislation, but there has been a lot of negotiation between the ranking Republican on that committee, Senator LUGAR, and the chairman, Senator LEAHY.

It is the hope of all of us that any other differences in rural development legislation can be resolved prior to coming to the floor.

Maybe it is a big order, but if that can be accomplished, if there is a bipartisan effort to work on both of those bills on Thursday of this week, it would seem to me that they could come to the floor in a very narrow time agreement. We might be able to dispose of both this week.

It is particularly important for drought legislation to be not only approved by the Senate but to go to conference with the House-passed bill and have the conference pass that so it can be signed by the President before the August 4 recess.

The House-passed bill is a much more expensive bill. It potentially covers all crops. It is hopeful that the Senate bill can be more narrowly drawn. I know that efforts are being made through the Office of Management and Budget and the Congressional Budget Office to see if, in view of recent weather reports, there will be additional savings that can be found to increase the prospects for payments for spring-planted crops that may suffer from drought later on.

So it is my hope that we can also add those to the week's schedule, if possible.

Mr. MITCHELL. Mr. President, as the distinguished Republican leader knows, I have placed a very high priority on the rural development legislation and have discussed with the Republican leader and the chairman of the Agriculture Committee the possibility of moving both that and the disaster relief bill this week.

It is my fervent hope that both will be ready for action. I am aware of the importance which many Senators representing States which have incurred disasters place on that legislation and, of course, all of us who represent rural States—and that is many Members of the Senate—are deeply concerned about the unevenness of economic development across the country and the development needs in rural areas.

So I share the Republican leader's hope. If the committee is able to complete action on the rural development legislation this week, which I expect it will, and are able to work out a procedure for handling the disaster relief bill that is acceptable to all concerned and we can act on that as well, why, we certainly will do so.

Mr. DOLE. If the majority leader will yield, I think the only problem would be getting the committee reports done, say, overnight on Wednesday. We are not there yet. Hopefully, if we could not do it by Friday, it can be taken up early next week, if we can get an agreement on both bills that does not interfere with the majority leader's other scheduled plans.

Mr. MITCHELL. It will not, because nothing we have scheduled has a higher priority in my view than the

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

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rural development and disaster relief legislation.

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

The PRESIDENT pro tempore. Without objection, the remainder of the Republican leader's time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for morning business not to extend beyond 12 o'clock noon. Senators are permitted to speak up to 5 minutes each during that period.

What is the will of the Senate?

Mr. LIEBERMAN addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Connecticut [Mr. LIEBERMAN] is recognized.

JOHN N. DEMPSEY

Mr. LIEBERMAN. Mr. President, the people of Connecticut were saddened yesterday at the news that our former Governor, John N. Dempsey, had died at his home in Killingly.

This great Irish-American was beloved throughout our State by people of all nationalities, colors and creeds. His life gave proof to the truth of the American dream. An immigrant to this land, he rose to the highest office in his adopted State by virtue of the openness of our society and the strength of his talents.

As Governor, John Dempsey presided over a period of remarkable growth in Connecticut. Yet in the midst of prosperity, John Dempsey took care to attend to the needs of the underprivileged. He was a particularly forceful advocate for the rights of those with mental retardation, making our State a leader in enhancing their lives.

He was also one of the Nation's first environmental Governors, enacting laws protecting the air, land, and water long before the issue was on the national agenda.

John Dempsey was known, too, for his love of education, and his desire to give all the young people in Connecticut an opportunity to receive the best schooling possible.

He promoted the development of higher education in our State, bringing the University of Connecticut to its golden era and championed interest-free loans for college students, among other innovations. The people of Connecticut, Mr. President, responded to John Dempsey's concern for their well-being by making him one of our State's most popular figures, a popularity that continues to this very day. He was not only an effective Governor; he was a tremendously charismatic and powerful campaigner and candidate for Governor. In my time, Mr. President, I never heard better stem-winding speeches given anywhere in America than those I heard given by Gov. John Dempsey.

In the election year of 1966, the late John Bailey, who I know, Mr. President, you knew well, responded to a question about the potential Republican nominee for Governor of Connecticut by saying, "I do not care who the Republicans run. I have Man O' War." Indeed, Mr. President, in John Dempsey, he did have Man O' War—a thoroughbred, a winner in every sense.

I had the honor of chronicling some of Gov. John Dempsey's career in my book, "The Legacy." Mr. President, I would like to take just a moment to briefly read a passage from that history of Connecticut government:

> On January 9, 1970, Governor John Dempsey asked (John) Bailey and Katherine Quinn to come to the governor's mansion. In a voice literally choked with emotion, this sincere and personally gifted man who had become governor told his two most trusted political allies that he was announcing his retirement the following day and would never again seek public office. There was much speculation that Dempsey's decision was caused by the acrimony, born of ambition within his own party during the preceding legislative session, and by the increasingly alarming fiscal condition of state government. But three years before, Dempsey had promised his ailing mother and his son, Father Edward Dempsey, that he would retire from public office at the end of that term. His departure concluded a 38-year career in public life and finished 10 years as governor, a time Joe Owens of the Bridgeport Post aptly described as a "Decade of Decency."

Mr. President, Gov. John Dempsey was a decent man; a decent man who became Governor and made the lives of the people of Connecticut better than they otherwise would be. The people of Connecticut are thankful for John Dempsey's life and for his service. We will remember him always with fondness and gratitude. I personally offer my condolences and my prayers to his wonderful wife, Mary, and to his devoted children, Father Edward, John, Jr., Kevin, and Margaret.

Thank you, Mr. President.

THE PASSING OF A CONNECTICUT GIANT: JOHN DEMPSEY DIES AT 74

Mr. DODD. Mr. President, a very great man, a very fine, remarkable, in fact, public servant, a dear friend of my family's and mine, died in Connecticut yesterday. Mr. President, John Dempsey, Governor of Connecticut from 1961 to 1971, was a leader of the rarest sort. He was a man of vision with a common touch.

Connecticut is the poorer, and certainly I am the poorer, Mr. President, for his passing.

They called John Dempsey "Man O' War," named after the winning thoroughbred. Mr. President, he was a winner and not just of elections. Although he certainly won many of those.

Gov. John Dempsey won passage of legislation that made Connecticut a pioneer in social and environmental issues in the 1960's. Through him the people of our State and in fact ultimately the people of this Nation won.

I knew John Dempsey for most of my life. In fact, Mr. President, I cannot recall a time when I did not know him. He was a friend of families generally but he was a particular friend of mine. He and my father fought side by side in Hartford and in Washington, DC, for many causes: Civil rights, the rights of the handicapped, increased support for education and other programs for the young.

Throughout my career in politics, Mr. President, a profession ennobled, I might add, by John Dempsey, he was a supporter and adviser, but always, always a friend.

Fifteen years ago this Saturday evening, in the first political steps that I took in my political life, John Dempsey stood next to me, helping to nominate me to Congress in the sweltering, boisterous, old-fashioned Democratic Convention in the old Knights of Columbus Hall in North Grosvenor Dale, CT. He was also there, Mr. President, in later nominating conventions for House and Senate races, in public and private events of every sort. And he was always available, as accessible to a young Connecticut Congressman just starting out in Washington as he was accessible to any constituent, any Connecticut neighbor, in the decade that he served as our Governor and beyond.

It was said at that time and has been said many times since that John Dempsey was a man of integrity, a Governor whose administration saw no hint of scandals.

But, Mr. President, his administration, his contributions were larger than that.

John Dempsey had a vision of what government is and could be that enriched all who served with him, all who learned from him, all who had the good fortune to benefit from his works. He was a compassionate man who formed and led a compassionate government, a government that searched out inequities and vanquished them; that reached out a hand to the disabled and the disadvantaged and brought them into the mainstream; that smoothed the rough edges of business and nature to help those who needed it, to keep the air and water clean, to make the cities livable.

John Dempsey arrived in the United States from his native Cahir in the county of Tipperary, Ireland, and who became this Nation's first Irish-born

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Governor. He was fond of saying it, "I came here in short pants as an immigrant at the age of 10 and I saw what this country did for me."

It was an even trade, Mr. President; certainly an even trade. For all that his country and State gave him, John Dempsey gave as much, in fact I would argue, far more back. He was a giant. Connecticut will miss him, and I will miss him. I extend my deepest sorrows and sympathies to his family, his wife Mary, his sons who are great friends of mine, as well, and his grandchildren and the people of Connecticut who will meet this great warrior who Abraham Ribicoff and John Bailey called their Man O' War in Connecticut politics. We will not see his likes again in many, many a year to come.

Mr. President, there have been a number of articles written in the last 24 hours. I would like to print in the RECORD one by Elizabeth Lightfoot from the Associated Press; one by Charles Morse of the Hartford Courant that describes in great detail the accomplishments of John Dempsey; an article written, as well, in the New York Times today. I ask unanimous consent they be printed in the RECORD.

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

FORMER GOV. JOHN DEMPSEY DIES AT HOME

(By Elizabeth Lightfoot)

HARTFORD, CT. (AP)—Former Connecticut Gov. John N. Dempsey, an Irish immigrant whose decade as governor saw the passage of social and environmental laws that became models for later Federal legislation, has died of lung cancer at the age of 74.

Dempsey was surrounded by family members when he died at his Killingly home about 4 a.m. Sunday.

Dempsey was dubbed "Man-O-War" by the late legendary State and National Democratic Chairman John M. Bailey because of his ease at winning elections. Dempsey served as governor from 1961 to 1971, only the second person in Connecticut history to serve a full decade in that office.

During his years as governor, Dempsey oversaw the passage of a job-training law that became the model for the Federal Manpower Training Act. Connecticut was also one of the first states to impose water and air pollution restrictions, well before the Federal regulations.

U.S. Sen. Joseph I. Lieberman, D-Conn., who met Dempsey in the late 1960s while writing "The Legacy," a book about Connecticut politics, said Dempsey "proved the reality of the American dream."

"He was an immigrant to this country and by virtue of the openness of our society and the strength of his talent he became governor of our State," Lieberman said. "During his decade of leadership he presided over a period of tremendous growth and at the same time made Connecticut a leader in services for the underprivileged, most particularly those with mental retardation."

Dempsey entered the John N. Dempsey Hospital in Farmington, named in his honor, on June 16. He returned to his home in Killingly Friday so he could be with his family.

Gov. William A. O'Neill ordered flags flown at half-staff until Dempsey's burial and state flags will be flown half-staff during a 30-day period of mourning.

"With the passing of John Dempsey, Connecticut has lost one of its great public figures and I have lost a great friend," O'Neill said. "My association with John began more than 25 years ago, but my admiration for him began much earlier.

"As a young man thinking about entering public life, I saw in John Dempsey a model of what an elected official could and should be," O'Neill said. "He was an enthusiastic campaigner, a loyal ally, a great and popular leader and perhaps, most importantly, a good and considerate person."

Former Connecticut U.S. Sen. and Gov. Abraham A. Ribicoff called Dempsey a close friend. Dempsey succeeded Ribicoff as governor in 1961 when Ribicoff resigned to serve as Secretary of Health, Education and Welfare in the Kennedy administration.

"We worked together for many, many years and he was an outstanding human being," Ribicoff said.

U.S. Sen. Christopher Dodd, D-Conn., called Dempsey "an outstanding public servant and leader."

"He served as governor during some of Connecticut's most demanding times and served well," Dodd said. "He left us with healthier cities and healthier citizens, who today still benefit from his vision."

State Democratic Chairman John F. Droney Jr. called Dempsey a "great man and a great leader."

"Men like Dempsey come along only once in a century," Droney said. "The state is a lot poorer for the loss."

Dempsey emerged a winner in his first foray into local politics when he convinced the Putnam town fathers that his street needed a street light back in the '40s.

That little victory prompted townsfolk to convince the young Democrat to run for the city council when he was 21. He was later elected mayor, six consecutive times.

Throughout a 40-year political career, Dempsey lived by a simple credo: "You've got to help people. I love people."

In 1954, he ran for lieutenant governor on a ticket headed by Ribicoff. Back then, balloting for lieutenant governor and governor was separate, and Ribicoff won, but Dempsey lost. It was the first and only time that Dempsey experienced defeat in politics and Ribicoff made him his executive aide.

Then in 1958, he and Ribicoff ran together again and this time, both of them won.

Dempsey remained mayor of Putnam while serving as lieutenant governor, but had to leave both posts when Ribicoff went to Washington in 1961.

Dempsey dominated Connecticut politics during the '60s. He was elected to a full term in 1962, easily turning back a challenge from Republican John Alsop by 66,000 votes. Four years later, he crushed another GOP challenger, E. Clayton Gengras, winning by 115,000 votes.

He held the governor's office longer than anyone since Oliver Wolcott Jr., a Litchfield Federalist, who had it from 1817 to 1827.

Asked once to describe "the Dempsey years," he said: "I believe those years were devoted to the real meaning of government: people. People just want a chance.

"I had hoped to give all the people in Connecticut the opportunity that Connecticut gave me.

"I came here in short pants as an immigrant at the age of 10 and I saw what this country did for me," he said.

John Noel Dempsey was born Jan. 3, 1915, in Cahir, County Tipperary, Ireland. He arrived in the United States in 1925 and settled with his parents in Putnam. He graduated from Putnam High School and later studied at Providence College.

His Hartford career began in 1949 when he was elected to the House of Representatives, representing his little chunk of northeastern Connecticut. He was re-elected twice and served as House minority leader in 1953-54.

During his 10 years in office, more people than ever before were working for state government. That provided the foundation for both praise and criticism of Dempsey's tenure.

Critics complained that the state under Dempsey was run by committee and that too much of the authority that belonged in the hands of elected officials was farmed out.

Dempsey insisted that his decision not to seek a third term in 1970 had nothing to do with the state's budget crisis at the time, a $400 million deficit. Rather, he said, he thought it was time to open things up to younger Democrats and "I (was) going to set the example."

Dempsey's was a sprawling administration that boomed in the good years between his start in 1961, when unemployment was high and taxes had to be raised, and his retirement in 1971, when unemployment climbed again and taxes had to be raised by his Republican successor, Thomas Meskill.

"My worst political years were when we had surpluses," he recalled. "A. Searle Pinney of Brookfield (state GOP chairman at the time) used to call me and tell me you don't run government for a profit."

After he left office, he worked for a year as a consultant on environmental issues for Southern New England Telecommunications Inc.

A champion of the mentally retarded during his years in office, Dempsey's retirement was highlighted by his successful efforts to return to Connecticut.

Although he left official political life 18 years ago, he remained active, frequently leaving the sidelines to hit the campaign trail, most recently on O'Neill's behalf. He served as O'Neill's campaign chairman in 1982 and 1986.

He called O'Neill "a member of one of my closest groups. Anytime I can help, I'm glad to."

Dempsey and his wife, Mary, who lived in Groton for 18 years, moved last December to the Dayville section of Killingly.

The Dempseys had lived in Putnam for 16 years before moving to Hartford during Dempsey's years as governor.

In addition to the John N. Dempsey Hospital at the University of Connecticut Health Center, a facility for the mentally retarded in Putnam is named after him.

Besides his wife, Dempsey is survived by three sons, a daughter and nine grandchildren.

A funeral service will be held 11 a.m. Wednesday at St. Mary's Church in Putnam. Burial will be at the parish cemetery immediately after the funeral.

Calling hours will be on Tuesday from 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m. at the National Guard Armory in Putnam.

[From the Hartford Courant, July 17, 1989]

JOHN DEMPSEY DIES; WAS GOVERNOR 10 YEARS

(By Charles F.J. Morse)

John Noel Dempsey, who came to this country from Ireland at age 10 and went on to become one of Connecticut's most popular and compassionate governors, died early Sunday at his home on Alexander Lake in Killingly.

Dempsey, who had lung cancer, died about 4 a.m., surrounded by members of his family. He was 74.

Death came one month after he complained of a cough and was admitted to the hospital in Farmington that bears his name. On Friday he told hospital officials he wanted to go home.

His tenure as the state's 79th governor, from 1961 to 1971, was the longest of any governor since Oliver Wolcott Jr. of Litchfield, who held office from 1817 to 1827.

He was regarded as a champion of the less fortunate, devoted especially to the mentally and physically handicapped, committing the power and prestige of the state's highest office to solving their problems.

"Connecticut will long remember the Dempsey years as a time of wonderful growth and achievement," Gov. William A. O'Neill said Sunday. "I saw in John Dempsey what an elected official could and should be. He was an enthusiastic campaigner, a loyal ally, a great and popular leader and, perhaps most important, a good and considerate person."

O'Neill ordered flags in Connecticut to be lowered to half-staff until after Dempsey's burial Wednesday. State of Connecticut flags will remain lowered for 30 days.

Dempsey's strength can best be summed up in one word: people. They knew him. They liked him.

One summer Sunday afternoon before he left office, Dempsey stood knee-deep in the water off Duck Island near Westbrook. He wore only his trunks, and his wet hair streamed down over his face.

He was hailed by a passing boat. "Hello, governor," a youngster yelled, with a friendly wave.

Dempsey waved back.

"See, I told you," the boy said to his parents. "That was Gov. Dempsey."

Politics was his life, and he, in turn, was a dream come true for his beloved Democratic Party.

His state chairman during his years in office, John M. Bailey, who died in 1975, used to call Dempsey "Man O' War," referring to the great racehorse, because of his ability to win.

In 1970 when Dempsey announced he would not run for reelection, a Courant editorial called him "a governor of integrity, of sincere public interest and a personality of charm and magnetism."

His popularity continued through his retirement.

Warm tributes flowed easily from other former governors and colleagues.

Former U.S. Sen. and Gov. Abraham A. Ribicoff called him "a magnificent governor . . . with an outstanding personality that struck sparks of affection from everybody in the state.

"John Dempsey continued to be the most popular political figure in Connecticut right to the end," U.S. Second Circuit Appeals Judge Thomas J. Meskill said.

"He was the consummate public servant: honest, loyal and effective," said Meskill, a Republican who succeeded Dempsey as governor.

Lt. Gov. Joseph J. Fauliso, one of Hartford's state senators during the Dempsey years, said, "He was a person of profound faith, and that faith actively shaped his life, a life of simplicity, honesty and humility."

Robert K. Killian, who served with the governor as attorney general and later as lieutenant governor, remembered how Dempsey set the attitude and pace of government himself.

"There was no attitude of confrontation as there is today," Killian said. "John Dempsey created an unusual era of good feeling. He created it himself; it was the way he lived his life."

State Supreme Court Justice T. Clark Hull, a Republican state senator during Dempsey's years in office and then lieutenant governor, said:

"I always felt he didn't get the credit he really deserved—for civil rights and the rights of the disadvantaged. During his 10 years there wasn't even a hint of scandal in his administration."

Former U.S. Sen. Lowell P. Weicker said, "There was decency in everything the man fought for, then did."

"I first came into politics when he was governor. His example had as great an impact on me as anyone," Weicker, a Republican, said.

"Kindness and decency was his personal style, which was translated into his legislative bequest," he said. "John Dempsey's was the world of politics that should be the world of politics, not the cesspool it is today."

AID FOR DISADVANTAGED

Dempsey's greatest achievement was to open the gates and doors of Connecticut's training schools and mental hospitals to the public eye.

In this crusade, the governor was joined by his wife, Mary. Together they were advocates for the mentally ill, the retarded, the blind and the deaf. They did not simply work for the handicapped but worked with them, inviting them into their home and asking them to participate in programs at the State Capitol.

Reporters who accompanied the Dempseys on Christmas and summer visits to all of the state training schools and hospitals can vouch for the emotional toll it took.

Tears came easily to Dempsey. So did words and the ability to deliver them with passion.

Ireland flowed proudly in his veins—in wit, emotion, song and religious faith.

He was born Jan. 3, 1915, the son of a sergeant major in the British Army. His parents emigrated to the United States from Cahir, County Tipperary, in 1925 because they believed America afforded greater opportunity for their only son. They settled in Putnam, where Dempsey's father worked in textiles.

After graduating from local schools, Dempsey attended Providence College. He ran for his first public office, that of Putnam councilman, when he reached 21 in 1936.

Thereafter his service ranged upward: 12 years as Putnam mayor, three consecutive terms in the State House of Representatives, and positions as executive aide in the governor's office, lieutenant governor, and finally, America's first Irish-born governor.

Dempsey's only loss was in 1954, when Charles W. Jewett defeated him by 5,400 votes out of nearly 1 million cast for lieutenant governor. When Dempsey tried again in 1958, he was elected by a margin of more than 170,000 votes.

He became governor Jan. 21, 1961, after Ribicoff resigned to accept an appointment as secretary of Health, Education and Welfare in the Cabinet of President Kennedy.

In the election of 1962, Dempsey won his first four-year term as governor, defeating Hartford insurance executive John Alsop by more than 66,000 votes.

He was able to enlist some of the state's best minds and corporate leadership to work voluntarily on boards, commissions and task forces.

Dempsey also recruited some unusual talent for his closest advisers—Bailey; Secretary of the State Ella T. Grasso, who later became governor; finance commissioners George G. Conkling and Lee V. Donahue, who is now a state auditor; and C. Perrie Phillips, who later became a Superior Court judge.

THE BOOM YEARS

During his 10 years in office, more people than ever before were working for state government. That provided the foundation for both praise and criticism of Dempsey's tenure.

Critics complained that the state under Dempsey was run by committee and that too much of the authority that belonged in the hands of elected officials was farmed out.

Dempsey's was a sprawling administration that boomed in the good years between his start in 1961, when unemployment was high and taxes had to be raised, and his retirement in 1971, when unemployment climbed again and taxes had to be raised by his Republican successor, Meskill.

Some of his most difficult problems were caused by the ailing New York, New Haven and Hartford railroad, which needed constant and expensive attention.

The middle years of his administration saw gains in many areas, including civil rights, clean water, clean air, mental health, programs benefiting youths, corrections, conservation, education, highway safety, programs aiding the physically handicapped and programs combating drug abuse and crime.

During those years, Homer Babidge became the president of the University of Connecticut and, with Dempsey's support, improved its faculty and programs and transformed it into a major New England university.

On May 17, 1966, Dempsey broke ground for a facility then known as the state's medical-dental school. He considered it one of the great achievements of his administration.

It was in the school's medical center, now called John Dempsey Hospital that his fatal disease was diagnosed, though not officially disclosed.

Only once did he clash seriously with his own party members. During the 1969 legislative session, Democratic state senators increased the sales tax from 5 percent to 6 percent, initiated taxes on capital gains, and moved toward annual sessions, all of which Dempsey opposed.

The governor vetoed the budget on the last night of the session, forcing a special session and a half-point cut in the sales tax to 5.5 percent. Those close to him believed the session contributed to his decision to retire.

Dempsey subjected himself to unusual public exposure, insisting on easy accessibility. He was the last governor to hold daily press conferences at the State Capitol.

Part of his charm, and thus his popularity, was his memory for names. It was an unusual experience for many. To be greeted warmly by name by the governor of Connecticut was surprising and flattering. Often, he would greet spouses and children by name as well.

The ultimate example occurred one afternoon in 1965 as Dempsey was welcomed home to Chair after an absence of 23 years. He was paraded to the center of town to the cheers, the bagpipes and the strains of "Kelly, the boy from Kilane."

As he walked along, he spotted a familiar face in the crowd. Without hesitation, as if it had been yesterday instead of 23 years ago, he called out:

"Timothy Looney, I didn't forget you."

They cheered him even louder, and toasted the lad who had remembered—well into the night.

A FAVORITE TOAST

One of Dempsey's last official tasks for the state was to head the committee that returned the USS Nautilus to New London. During 30 years of service, the nuclear submarine, built by Connecticut workers, logged 450,000 nautical miles. It is now a historic landmark.

Since leaving the office of governor—first moving to Mumford Cove in Groton and then in December returning to a home on Alexander Lake near Putnam—Dempsey had remained active in Democratic politics.

Twice he served as chairman of O'Neill's gubernatorial campaigns. He also remained a favorite speaker at fund-raisers and testimonials.

Invariably, Dempsey would end a spirited evening with his father's favorite toast:

Here's to the land of the shamrock so green;
Here's to each lad and his Irish colleen;
Here's to the lands we love dearest and most;
Bless America, unite Ireland, that's the real Irish toast.

Dempsey leaves his wife, Mary Frey Dempsey, whom he met at Putnam High School and married July 27, 1948; three sons, the Rev. Edward Dempsey of Hartford, John N. Dempsey Jr. of Nantucket, Mass., and Kevin B. Dempsey of West Hartford; a daughter, Margaret Gankofskie of Willington; and nine grandchildren.

His funeral will be in St. Mary's Church, Putnam, on Wednesday at 11 a.m., with burial to be in the parish cemetery.

He will lie in state at the National Guard Armory in Putnam. Calling hours will be Tuesday from 2 to 4 and 7 to 9 p.m.

[From the New York Times, July 17, 1989]

FORMER GOV. JOHN DEMPSEY, 74; LED CONNECTICUT DURING THE 60'S

(By Kirk Johnson)

HARTFORD, July 16.—Former Gov. John N. Dempsey, a liberal Democrat who helped foster Connecticut's reputation in the 1960's as a national trend-setter in social and environmental laws, died of lung cancer today at his home in Killingly, Conn. He was 74 years old.

Mr. Dempsey returned home Friday after being a patient for a month at the John Dempsey Hospital in Farmington, which was named in his honor.

He served as Connecticut's Governor from 1961 to 1971, overseeing the passage of a job-training law that became the model for the Federal Manpower Training Act, and the first revision of the Connecticut Constitution in 150 years, which redrew the boundaries of the General Assembly districts.

In the Dempsey years, Connecticut was also among the first states to impose restrictions on air and water pollution, well in advance of similar Federal laws. Mr. Dempsey also pushed through the first appropriations to establish the University of Connecticut Health Center, which includes the hospital named for him.

John Noel Dempsey was born Jan. 3, 1915, in Cahir, County Tipperary, Ireland, the only son of a career British Army officer. He immigrated with his family in 1925 to Putnam, Conn., in the northeastern corner of the state. Mr. Dempsey lived there most of his life, working first in the town's then-booming textile industry and then in Town Hall, which became the base for his rise in state politics.

EVERY MUNICIPAL POSITION

Known throughout his career as a gregarious and diplomatic man, Mr. Dempsey was elected to the Putnam City Council at the age of 21, and over the next 25 years served in every elected municipal position, including six two-year terms as Mayor, beginning in 1948. After his election to the General Assembly in 1949, he continued to divide his responsibilities between local and state offices.

While continuing as Mayor, Mr. Dempsey served in Connecticut's General Assembly from 1949 through 1955, then as an executive secretary to Governor Ribicoff from 1955 until the 1958 election, when he became Lieutenant Governor.

He became Governor in January 1961, when Gov. Abraham A. Ribicoff resigned to become Secretary of Health, Education and Welfare under President John F. Kennedy. Mr. Dempsey, Connecticut's first foreign-born Governor in almost 300 years, was elected twice on his own over Republican opponents, in 1962 and 1966.

He chose not to run again in 1970 and returned to Putnam and to the family textile business. He worked briefly as an consultant on environmental matters to the Southern New England Telephone Company in the early 1970's and remained active in state politics.

CONSTITUTIONAL CRISIS

Perhaps the greatest crisis of his governorship occurred in 1964, when a Federal District Court panel ruled that the General Assembly districts were unconstitutional because of changes in state population. Working under an emergency declaration that kept Assembly members in office through two special sessions, the state revised the districts and put a revised Constitution in place in 1965, in time for the 1966 elections.

Mr. Dempsey is survived by his wife, the former Mary Frey; three sons, the Rev. Edward and John Jr., both of Hartford, and Kevin, of West Hartford; a daughter, Margaret Dempsey Gankofskie of Willington, and nine grandchildren.

A wake will be held Tuesday from 2 to 4 P.M. and 7 to 9 P.M. at the Connecticut State Armory in Putnam and a funeral mass will be celebrated on Wednesday at 11 A.M. at St. Mary's Roman Catholic Church in Putnam.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I hope that I might join in the tribute to John Dempsey, Governor Dempsey, which we have just heard from our distinguished and learned colleague from Connecticut. The Governor of Connecticut is a person of consequence to the people of New York. We are neighbors, and in the case of John Dempsey we were truly friends.

He set a standard which few in any time can meet. Although I cannot claim anything like the close association of Senator DODD, I would hope to be not less an admirer and certainly would wish to endorse everying he has said. There are so few who have the privilege of setting not just standards but precedents.

He was the first Tipperary man to become Governor of Connecticut. I do not know what those ancient Congregationalists would have thought about that, but the contemporary ones like it. The people of Connecticut are better off for it, and from his example we are all instructed and enlarged. I thank the Senator for the opportunity to hear his remarks.

Mr. DODD. Mr. President, if I can say how deeply pleased I am our colleague from New York was on the floor because what he said was absolutely true. He knew him so well. In fact, my colleague from New York knows this coming Sunday there is a reunion. It will be 15 years ago I was nominated to Congress. John Dempsey stood with me on that night. It was 108 degrees.

Mr. MOYNIHAN. I dare say I have been in that Knights of Columbus hall.

Mr. DODD. I think you have. I think I invited you. I hope it was a cooler night than that when you were there. John Dempsey was invited. A group of us gathered 150 or 200 who were involved in that convention. In fact, my opponents, as well, are coming to reminisce on Sunday. We asked John to be there to be our keynote speaker on Sunday. Regrettably, he not be there, exept in spirit and, believe me, he will be there in spirit.

I will be talking to his children and lovely wife May in the next day or so, and I will express to them your warm, kind remarks on the floor of the Senate today.

Mr. PRESSLER addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from South Dakota, Mr. PRESSLER, is recognized for not to exceed 5 minutes.

THE B-2 BOMBER

Mr. PRESSLER. Mr. President, at this moment the B-2 Stealth bomber is flying in California in its test mission. I had the pleasure of visiting the B-2 site a couple of weeks ago, and it is a magnificent airplane. But I would urge that we not go forward with full-scale production of the B-2 until we

have made the B-1 an effective aircraft.

Several B-1's are stationed at Ellsworth Air Force Base in western South Dakota. We are very proud to have them there, but the B-1's have had a number of problems. Three of them have crashed, all for technical reasons. In one case a bird flew into an engine and a guard has been developed now for engines so birds will not fly into them. Another accident was blamed on pilot error, although some of the pilots I talked with felt that was a bit unfair because the electronics system and the communications system in the plane did not work properly in their judgment. A third crashed for reasons unknown.

One result of these accidents has been that Senators are no longer taken for rides on the B-1. At one time I and several of my colleagues had invitations for a ride on the B-1 bomber. Governors were also invited to go for rides. But those invitations have been rescinded until further notice. The point is there is an uncertainty about whether the B-1 bomber is safe.

The citizens of Rapid City, SD, have been concerned because one of the B-1's crashed near Rapid City. These aircraft can and should carry weapons during their operations. But people are wondering what will happen if one crashes near a major city with a weapon or a bomb on it.

Mr. President, we have some work to do in terms of making the B-1 bomber safe. There are a number of estimations of how much that would cost ranging from the millions into the billions, but it is our bomber fleet and we should make it safe before we go on to the B-2. What that will take I do not know for certain. We may have to go back to the contractors for corrections. I hope the taxpayers are not stuck with the total bill, but we cannot abandon the B-1 fleet. We also have budgetary constraints to deal with. There is an effort to keep military spending at a level that accounts for inflation, and that will be the extent of it.

We have to choose what we want to do, and my recommendation is not to go forward with large-scale production of the B-2 at this time but, rather, to fix up the B-1's and to take care of some of our other military needs. I will be joining in this effort when the defense appropriations bill comes before us. There will be amendments regarding the B-2, and I wish to inform my colleagues that I shall be supporting those amendments that would fix up the B-1 before we go to the B-2—that would essentially delay large-scale production of the B-2.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

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

NEVADA WILDERNESS PROTECTION ACT

Mr. REID. Mr. President, I recently introduced the Nevada Wilderness Protection Act of 1989. This bill will designate specific sectors of the National Forest Service land as wilderness. It is a culmination of years of hard work and compromise. In terms of sheer land mass Nevada is the seventh largest State in the country. It is the only State that has not adopted wilderness legislation.

Since the Forest Service's 1976 RARE II study, 3.2 million acres of Nevada land has been protected as de facto wilderness. The proposed legislation opens up 2.4 million acres for multiple use, and designates the remaining 730,000 acres as wilderness.

Our land, Mr. President, is something that we must share. Everybody has their own idea of what that sharing entails.

Everybody has their own interest, whether it be the preservation of wildlife and natural resources, mining and excavation, or development and recreation.

Almost 2 years ago, Nevada's Great Basin National Park was created and opened to the entire world.

I was joined by many groups, individuals, and colleagues in assuring that our vision for a Great Basin National Park became reality.

Nevertheless, our efforts were built upon 50 years of painstaking progress to get to the point where action was taken to preserve the park lands. The conflicts seemed unrelenting—compromise appeared as an illusion.

I was taught a lesson then that serves me well now as I push for the passage of wilderness legislation: Everybody at that time it seemed wanted a piece of the action.

The song, "This Land Is Your Land" takes on a new—and maybe even a troubling—meaning. The problem is not unique to Nevada. For example, a debate currently wages over the preservation of land and wildlife adjacent to Nevada in California's Mojave Desert.

A Los Angeles Times reporter recently noted that conflicts over land use are common. The reporter noted in his writing that "motorcyclists wrestling with backpackers, gold miners pitted against environmentalists, and cattlemen battling conservationists." That sums up the problem.

In Nevada, the conflict is sharpened by the State's growing population and economy.

Urban centers are expanding to encompass what were once suburban areas. The population is booming as more and more people move to Nevada and play a role in the State's thriving economy.

But in these changing times, there is one thing that remains constant. And that is the spectacular beauty and serenity of the areas designated as wilderness in this proposed legislation.

The kaleidoscope of sounds and sights that characterize the scenery in these areas is irreplaceable. If we open these few places for development, we risk losing rare natural resources.

Interior Secretary Lujan, in testimony during his nomination proceedings, stated that we can protect resources and undertake development concurrently.

He said we do not have to choose between preservation and development. I say that, in some instances, we do have to choose. I am willing to make some of those choices.

At times, such choices will be hard. But supporting the Nevada Wilderness Protection Act is not a hard choice.

The bill is a veritable windfall to ranchers, miners, developers, and recreational vehicle owners.

The bill opens up 2.4 million acres of National Forest Service land—land that, up to the present, is protected as wilderness. It is protected until we implement the letter of the law expressed in the Wilderness Act of 1964.

The act says we need to assess this Forest Service land and determine that which is suitable for wilderness designation. The land not deemed appropriate for wilderness designation would be released for multiple use.

Congress has passed wilderness legislation for every State except Nevada. It is time we decided the fate of the land held captive since 1964.

The choice is easy. The bill is similar to wilderness legislation passed for every other State. The bill frees up 2.4 million acres of land, while preserving only a little more than 700,000 acres for posterity.

The great writer Rudyard Kipling observed that we are given all the Earth to love—but our hearts are small.

I think Kipling would agree that we may not have the capacity or ability to preserve all of our environmental treasures—but we are able to chose those that are most dear, and preserve them as wilderness.

The choice, Mr. President, is an easy one. I encourage my colleagues to make this choice and support the Nevada Wilderness Act of 1989.

TERRY ANDERSON'S 1,584TH DAY OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that

today marks the 1,584th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that an editorial by Andy Rooney on this subject be printed in the RECORD.

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

[From the Irondequoit Press, June 30, 1987]

TERRORISM IN BLOOM

(By Andy Rooney)

There are times when I don't have much control over which thoughts come into my head, or when. The American hostages of the terrorists in Lebanon showed up, unbidden, in my head this morning when I got up at 5:40.

It is almost, but not quite, light at that hour now, and if I don't turn the bathroom light on, I can leave the shade up and still not be seen. This enables me to look down on our pretty back yard while I'm toweling off.

There are tulips in front of the hedgerow and the magnolia tree is in bloom. It was while I was looking out the second-floor window that the captives came to my mind. The pleasant thoughts I was having flew out of my head.

What would the hostages give for a glimpse of the tulips? For the warm shower I'd just had? For my breakfast of fresh orange juice, coffee, and toast? For the friends and family I'd be surrounded by all day long?

It is sickeningly sad to contemplate these eight Americans cooped up in some miserably hot, dark, lifeless place, chained perhaps, with only their hope to live on. That hope has failed them so often, it must be difficult for them to continue having it. Even the eternal spring must run dry.

The hostages are intelligent and educated men, although the fact that they're intelligent and educated shouldn't make their situation any sadder. They are held, as best we know, in small rooms with almost nothing to do. They get no news, hear nothing from their friends or families, and, in all likelihood, despair of ever being released alive. It is far worse than a criminal's prison life.

You wonder what their captors think of them. Some personal relationships must have developed with the people who guard them and bring them food.

Their captors must know now that these Americans are decent, intelligent, innocent people. The captors are almost certainly deeply religious people. The Middle Eastern wars are basically religious wars. Do the captors feel any guilt, any remorse, over what they have done to these innocent individuals? Do they feel any compassion for their prisoners?

It is likely these zealots feel the sacrifice of their hostages' freedom is serving a higher cause. There is no fervor like religious fervor.

It would be a simple matter for the terrorists to murder their captives. There's no one to stop them. No one need know for weeks. You wonder whether the captors keep the hostages alive and feed them because of some sense of decency or merely because their prisoners are worth something to them alive and nothing to them dead.

Suicide must certainly come to the hostages' minds, but it is likely that even voluntary death is not an option available to them.

What is it the terrorists want again? We hardly remember—if we ever knew. Whatever it is, it is likely that the demand is nothing within the United States' power to grant.

The terrorists are not ordinary criminals. You should think that it must occur to them that it is a cruel thing they are doing. Our government did a foolish and dangerous thing when it offered weapons to the Iranians in exchange for hostages, while vowing, at the same time, not to negotiate. Paying off the terrorists makes hostages worth their taking. Every hostage taken from that day on can blame the people who made a deal. The eight hostages now held are held because of the hope our negotiators gave their captors that we're willing to pay ransom in the form of weapons and money.

There isn't time in our lives to feel sorry for everyone who ought to be felt sorry for. I just wished this morning that Terry Anderson, Thomas Sutherland, Frank Reed, Joseph Cicippio, Edward Tracy, Alann Steen, Jesse Turner, and Robert Polhill could have looked out on our garden with the tulips and then gone to work.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The PRESIDENT pro tempore. Under the order, the Senate will resume consideration of S. 1160, the State Department authorization bill, 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.

Pending:

(1) Helms amendment No. 269, to prohibit negotiations with terrorists responsible for the murder, injury or kidnaping of an American citizen.

(2) Grassley amendment No. 270 (to Amendment No. 269), of a perfecting nature.

(3) Heinz amendment No. 272, to provide international support for programs of sustainable development, environmental protection, and debt reduction.

Mr. PRESSLER. Mr. President, I have an amendment ready to go with, but I believe I will wait until Senator SARBANES arrives.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SARBANES. Mr. President, today the Senate resumes consideration of S. 1160, the Foreign Relations Authorization Act. On Friday, the Senate adopted a very significant amendment, the Mitchell-Dole provision, providing sanctions with respect to China. This bill, which authorizes appropriations for the fiscal year 1990, for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes, will, of course, be before the Senate today.

No votes are scheduled for today, but it is expected that if amendments are offered on which votes will be required, they will be stacked and carried over until tomorrow, and voting will resume. Of course, noncontroversial amendments can be accepted, if cleared on both sides, and disposed of today. So it does offer an opportunity for Members to have those noncontroversial amendments dealt with and included in the legislation.

I yield the floor.

AMENDMENT NO. 273

Mr. PRESSLER addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from South Dakota, Mr. PRESSLER, is recognized.

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

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 273.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the amendment be considered as if read.

The PRESIDENT pro tempore. Without objection, reading of the amendment will be dispensed with.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . The Director of the United States Information Agency may enter into a contract for the construction of the Voice of America's Thailand radio facilities for periods not in excess of five years or delegate such authority to the Corps of Engineers of the United States Department of the Army, provided that there are sufficient funds to cover at least the Government's liability for payments for the fiscal year in which the contract is awarded plus the full amount of estimated cancellation costs.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, this is a technical amendment that I understand is acceptable to the distinguished chairman of the committee.

This provision was requested by USIA. It would provide the Voice of America with the flexibility required

to continue to make maximum progress in its modernization and expansion programs in the face of continued budget realities.

This authority was not originally requested in the President's fiscal year 1990 budget in anticipation of receiving full funding for radio construction. However, it now appears that the fiscal year 1990 authorization for modernization will likely be lower than the administration's request.

Absent this requested authority, completion of the new Thailand relay station will be delayed by 12 to 18 months, and the cost of the project, according to USIA, will be increased by $6 million.

With this authority, it will be possible to award the facility construction contract in fiscal 1990 as planned and to fund it over 3 years, thereby reducing the cost in schedule impact of the budget cut and thus saving the taxpayers money.

Mr. President, I believe this technical amendment has been worked out among the staffs on both sides, and I request the adoption of the amendment.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. PRESSLER. I yield.

The PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, the distinguished Senator is correct. This amendment has been worked out. It is designed to allow the U.S. Information Agency some additional flexibility in order to proceed with the construction of certain radio facilities, and we are prepared to accept the amendment.

Mr. PRESSLER. Mr. President, I urge the adoption of the amendment.

Mr. HELMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS] is recognized.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have no objection to this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 273) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SARBANES. I thank the Chair.

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

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum being suggested.

The assistant 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 (Mr. SARBANES). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 4 minutes.

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

TWO HUNDRED YEARS AGO TODAY: SENATE PASSES THE JUDICIARY ACT OF 1789

Mr. BYRD. Mr. President, as chairman of the Senate Bicentennial Commission, I wish to take this opportunity to note a significant Senate anniversary. Exactly 200 years ago today, on July 17, 1789, the Senate approved the Judiciary Act of 1789. Known formally as "An Act to establish the Judicial Courts of the United States," and designated "S. 1," this measure gave shape to the judicial branch of the Federal Government. Following the Constitution's mandate, it established a Supreme Court with a chief justice and five associate justices; district courts for each State and the districts of Maine and Kentucky; and three traveling circuits as courts of original jurisdiction and appeals. With the exception of an 1891 statute that created a separate level of appellate circuit courts, no extreme departures have been made from the system that the Senate devised in 1789.

On April 7, 1789, the day following the establishment of its first quorum, the Senate had appointed an eight-member committee to draft this vital legislation. Connecticut Senator Oliver Ellsworth proved to be the most influential member of the panel, composed of one member from each State then represented in the Senate. Ellsworth received major assistance from William Paterson of New Jersey, and Caleb Strong of Massachusetts. These senators encounterd stiff opposition from a determined minority, who feared that the legislation would undermine State courts and would burden the Nation's meager treasury. Pennsylvania Senator William Maclay noted acidly, "It is certainly a Vile law System, calculated for Expence, and with a design to draw by degrees all law business into the Federal courts." Despite these objections, the Senate passed the bill by a vote of 14-6, and the House subsequently made minor changes in the Senate's handiwork. President George Washington signed the act on September 24.

On September 21 and 22, 1989, Georgetown University, the Bicentennial Committee of the Judicial Conference of the United States, and the Supreme Court Historical Society, in cooperation with the Senate Bicentennial Commission, will conduct a major conference on the Judiciary Act of 1789. For the first time, scholars, lawyers, judges, and Members of Congress will examine the origins of the Federal judiciary and the role of Federal courts in interpreting the Constitution. Senators and their staffs who wish more information about this important conference are welcome to contact the Senate Historical Office.

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

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

THE RAIN FORESTS

Mr. CHAFEE. Mr. President, I have here an extremely interesting article from the Statesman of Boise, ID, July 11, 1989, dealing with the work that our colleague, Senator STEVE SYMMS, does in connection with the environment and particularly in connection with the legislation he has been involved with concerning preservation of the rain forests in Brazil.

I went to Brazil early this year with Senator SYMMS, the senior Senator from Arkansas, Senator BUMPERS, and Senator SPECTER.

We had an opportunity to see the rain forests firsthand. Indeed, we went to Manaus, which is, as you know, some thousand miles inland up the Amazon River, and from there we want back into the rain forests and stayed at a camp sponsored by World Wildlife Fund.

Mr. President, I ask unanimous consent that this article which starts off "Symms Leads Way With Legislation To Protect Rain Forests" be printed in the RECORD.

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

[From the Boise Idaho Statesman, July 11, 1989]

SYMMS LEADS WAY WITH LEGISLATION TO PROTECT RAIN FORESTS

Idaho Sen. Steve Symms, a nemesis for the nation's environmental organizations on the domestic front, has joined forces with them on what could become a historic landmark in global environmental protection.

Symms is the chief sponsor of far-reaching legislation seeking to apply provisions of the National Environmental Policy Act, a linchpin of domestic environmental law, to American aid projects abroad.

The main aim is to put the brakes on tropical deforestation in Third World nations, particularly in Africa and Latin America. The leading offender is Brazil, where the Amazon rain forest is disappearing at an alarming rate.

Symms first introduced the bill last year. It failed to win broad support in either the Senate or the environmental community, but congressional sources say that was due mainly to reservations about Symms' record and reputation, since overcome.

This year, Symms has built a constituency in a big way. He has signed up every member of the Senate Environmental and Public Works Committee, including Senate Majority Leader George Mitchell, and every major environmental organization, from the Sierra Club to the Environmental Defense Fund.

Distaste for congressional involvement in foreign policy places the administration in opposition. But the broad bipartisan backing gives the bill excellent prospects for passage despite lack of a presidential blessing.

Symms, who toured the Amazon in April with other members of the committee, clearly has a genuine concern about the rape of Brazil's irreplaceable rain forests. The issues he raises—erosion, sedimentation, flooding, loss of genetic diversity, destruction of an irreplaceable resource and contribution to global warming—are all to real.

He also has another motive: helping even the playing field for American agriculture in the international arena. He considers it doubly unfair for foreign competitors to receive American subsidies for projects exempt from the environmental restrictions American producers contend with.

He is appalled when he contrasts American farm and forest practices with those of Third World nations receiving U.S. aid. Reasonable people may differ how good American stewardship is, but he's right when he says Third World stewardship is vastly worse. He's also right when he says it has the potential to affect us all.

Capital investment in developing nations is largely funded through direct foreign aid or government-backed loans. Other western nations are also involved, but loans are typically channeled through the World Bank, in which the U.S. plays a voting role.

Symms' bill would require the U.S. to request completion of environmental impact assessments at least 120 days prior to votes on loan applications for development projects.

The bill would encourage environmental assessments for all international aid projects and offer U.S. assistance in preparation of such assessments by lenders and borrowers. It would also declare preservation of tropical forests a national priority.

This is a noble piece of legislation with noble aims. It deserves strong support from all who care about the global environment.

Mr. CHAFEE. I thank the Chair.

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

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

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

AMENDMENT NO. 271, AS MODIFIED

Mr. SARBANES. Mr. President, we wish to make a technical change to amendment No. 271 which was agreed to on Friday. I, therefore, ask unanimous consent that amendment No. 271 be modified with the language I now send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 2 of the Mitchell amendment No. 271, strike lines 19 through 22 and insert: "the President urge the Export-Import Bank of the United States to postpone immediately approval of any application for financing United States exports to the People's Republic of China;".

Mr. SARBANES. Mr. President, I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, this amendment would have the President urge, instead of Congress directing, the Eximbank to take certain actions because the Eximbank has a certain independence. But further than that, it also corrects a split infinitive, and there is a little story behind that.

Miss Annie Lee, my high school English teacher, more years ago than I like to admit, was death on split infinitives. I remember a number of lectures we had from her in particular about how wrong it was to split an infinitive. All the time in legislation before the Congress, infinitives are split with regularity.

I remember on one occasion, I was dealing with the then-distinguished Senator from Minnesota, Mr. Humphrey, on a delicate matter of some complexity, and we worked all the problems out. He said, "Is there anything else?" I said, "One thing. Miss Annie Lee would want us to correct the split infinitive here."

He said, "Who is Miss Annie Lee?" Well, Miss Annie Lee was still alive then, and I told Senator Hubert Humphrey about her and he said, "Well, let's make this correction for Annie Lee and give her my best regards."

After it was over, I called Miss Annie Lee and told her I corrected a split infinitive today in her honor.

I thank the Chair.

(Mr. ROCKEFELLER assumed the chair.)

RECESS

Mr. SARBANES. Mr. President, on behalf of the majority leader, I ask unanimous consent the Senate now stand in recess until 3 p.m. today.

There being no objection, at 2:05 p.m., the Senate recessed until 2:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

The PRESIDING OFFICER. The business now pending before the Senate is S. 1160, the Foreign Relations Authorization Act.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I observe that the distinguished Senator from North Carolina is on his way to the floor. He has not as yet arrived and we would not wish to proceed save that he were present. 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. DODD. 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. MOYNIHAN. Mr. President, I believe the distinguished Senator from Georgia has an amendment at the manager's table. Would it be his wish we go forward with that amendment on his behalf?

Mr. FOWLER. Mr. President, I would be very pleased if the floor leader would go forward with that amendment. I appreciate his courtesy.

AMENDMENT NO 274

(Purpose: To prohibit the availability of funds for certain meetings unless representatives of the Helsinki Commission are included)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration. Mr. President, I ask this amendment be offered on behalf of the Senator from Georgia [Mr. FOWLER].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. FOWLER, proposes an amendment numbered 274.

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

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

The amendment is as follows:

On page 7, between lines 2 and 3, insert the following new subsection:

(c) PROHIBITION.—None of the funds authorized to be appropriated under subsection (a)(3), may be obligated or expended for any United States delegation to any meeting of the Conference on Security and Cooperation in Europe (CSCE) or meetings within the framework of the CSCE unless the United States delegation to any such meeting includes individuals representing the Commission on Security and Cooperation in Europe.

Mr. FOWLER. Mr. President, I rise today to propose an amendment to fiscal year 1990 State Department Authorization Act. The amendment would prohibit the funding of any U.S. delegation to any meeting operating within the framework of the CSCE process, including the Negotiation on Conventional Armed Forces in Europe [CFE], which does not include a representative of the CSCE Commission, Helsinki Commission. The Commission was created by Congress in 1976 as an independent legislative branch agency responsible for monitoring implementation of the Helsinki accords. In addition to its bipartisan bicameral membership, the Commission also includes high-ranking officials from the excutive branch appointed by the President. The Commission, which is funded under the Commerce, Justice, State, and Related Agencies appropriation bill, is not a congressional committee.

The Commission has played an active role in the CSCE process, having been represented at every CSCE meeting since the signing of the final act in 1975. Commissioners and staff have been officially named as full-fledged members of U.S. delegations to CSCE meetings, including those devoted to military security—an increasingly important area of the Helsinki process. Last November two interrelated sets of military talks opened in Vienna: One to consider enhanced confidence- and security-building measures, CSMB's, the other on conventional forces in Europe. While the Commission is represented at the former, it has been blocked by the State Department, from participating in the latter despite the fact that these talks are being conducted within the framework of the CSCE process.

The amendment, identical to language contained in section 102(c)(2) of the House bill, would remedy this situation. Its adoption would ensure that the Commission, which has served as the lead agency for monitoring CSCE-related matters, is allowed to discharge its statutory responsibilities.

I thank the Chair.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the amendment by the distinguished junior Senator from Georgia. This amendment will prohibit the availability of funds for U.S. delegations to any meeting of the Conference on Security and Cooperation in Europe [CSCE] or any meetings within the framework of the CSCE, unless the U.S. delegation includes an individual representing the Helsinki Commission.

As a past chairman and current ranking Republican Senate member of the Commission, I join with Senator FOWLER and the Commission's current chairman, Senator DECONCINI, to offer this amendment to ensure that a Commission representative is included in the U.S. delegation to the Negotiations on Conventional Armed Forces in Europe. This representative would serve on the same basis as does the current Commission representative on the U.S. delegation to the Conference on Confidence and Security Building Measures and Disarmament in Europe, otherwise known as the CDE talks.

The House version of this measure, H.R. 1487, already includes this language as section 102(c)(2). It was offered by another Helsinki Commissioner, the Honorable BILL RICHARDSON from New Mexico, and was adopted on a voice vote.

The Department of State now routinely includes Commission staff in the U.S. delegations to all CSCE process events. The U.S. delegation to the Stockholm CDE talks included Commission staffers, and Commissioners were officially listed as senior members of the delegation.

However, now that the Conventional Armed Forces in Europe talks have convened within the framework of the CSCE pursuant to the Vienna Concluding Document, the Department has not yet decided to allow Commission representation on the U.S. delegation. This amendment should settle that issue in favor of the Commission.

The amendment does not intrude into the foreign affairs prerogatives of the executive branch. The Helsinki Commission is not a committee of Congress. It is clearly and easily distinguishable from a congressional committee. Unlike any committee of Congress, the Commission was authorized by Public Law (Public Law 94-304), which is codified as title 22 United States Code, sections 3001 through 3009. Unlike congressional committees, which are funded through the legislative branch appropriations bill, the Commission is appropriated for annually in the Commerce, Justice, State, the Judiciary, and Related Agencies appropriation bill.

Also unlike congressional committees, the Commission has by statute three senior executive branch members as Commissioners. These Commissioners are representatives of the Commerce Department, the Defense Department, and the State Department. Moreover, these Commissioners are appointed by the President pursuant to 22 U.S.C. 3003. These executive branch members have sat as Commissioners during Commission hearings and have participated in other Commission events as Commissioners. The State Department, having its own Commissioner, has the right and privilege to raise any issues it desires during Commission business meetings, something it cannot do when dealing with the Foreign Relations Committee, for example.

Since the Vienna Concluding Document states that the CFE "* * * negotiations will be conducted within the framework of the CSCE process," those talks fall within the statutory mandate of the Commission "* * * to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe. * * *" Given the close connection between the CDE talks—also resumed in Vienna—and the CFE talks, Commission membership on the CFE delegation is necessary for it to meet its statutory obligations.

It is important to note that the U.S. delegation to the CDE talks in Vienna has a Commission representative on board. It will not increase the cost to the U.S. taxpayer to have that person added to the CFE delegation's membership.

In fact, the United States is one of only two participating states not to use the same people to form both its CDE and CFE delegations. The Soviets have proposed that the CFE negotiators take up some matters relating to confidence and security building measures, matters that properly belong in the CDE talks. This close connection between the two negotiations, which overlap in time, place, participants, and subject matter makes it essential that the Commission have a representative on the CFE delegation.

I ask for the support of all Senators for this amendment. Adoption of this amendment will take the issue out of the scope of conference on the bill. I believe that it is important that the Senate clearly express itself in agreement with the House on this issue and not leave the matter to be resolved in conference.

Mr. DECONCINI. Mr. President, I rise today to join as a cosponsor of an amendment proposed by Senator FOWLER to fiscal year 1990 State Department Authorization Act. The amendment would prohibit the funding of any U.S. delegation to any meeting operating within the framework of the Conference on Security and Cooperation in Europe [CSCE] process, including the Negotiation on Conventional Armed Forces in Europe [CFE], which does not include a representative of the CSCE Commission, Helsinki Commission. The Commission, which I have the honor of chairing, was created by Congress in 1976 as an independent legislative branch agency responsible for monitoring implemen-

tation of the Helsinki accords. In addition to its bipartisan bicameral membership, the Commission also includes high-ranking officials from the executive branch appointed by the President. The Commission, which is funded under the Commerce, Justice, State, and Related Agencies appropriation bill, is not a congressional committee.

The Commission has played an active role in the CSCE process, having been represented at every CSCE meeting since the signing of the Final Act in 1975. Commissioners and staff have been officially named as full-fledged members of U.S. delegations to CSCE meetings, including those devoted to military security—an increasingly important area of the Helsinki process. Last November two interrelated sets of military talks opened in Vienna: One to consider enhanced confidence- and security-building measures [CSBM's], the other on conventional forces in Europe. While the Commission is represented at the former, it has been blocked by the State Department, from participating in the latter despite the fact that these talks are being conducted within the framework of the CSCE process.

The amendment proposed by Senator FOWLER today, identical to language contained in section 102(c)(2) of the House bill, would remedy this situation. Its adoption would ensure that the Commission, which has served as the lead agency for monitoring CSCE-related matters, is allowed to discharge its statutory responsibilities.

Mr. MOYNIHAN. Mr. President, the thrust of this amendment is simply to ensure that a representative of the Helsinki Commission, as we have come to know it, is present when any meeting or U.S. delegation operating within the framework of the CSCE process proceeds to business relating to the Helsinki accords. I believe this has been cleared by the distinguished manager of the legislation, my good and learned friend, the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. It is my understanding the distinguished Senator from New York [Mr. D'AMATO] wishes to be here at the time of the consideration of this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from New York [Mr. D'AMATO] and the distinguished Senator from Arizona [Mr. DECONCINI] be added as cosponsors.

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

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. Mr. President, allow me to thank the Senator from New York [Mr. MOYNIHAN] and the Senator from North Carolina [Mr. HELMS]. I had not thought I would be on the floor at the time my amendment was offered and had asked the distinguished Senator from New York to make the presentation on my behalf. I understand it has been cleared on both sides. This is to correct a technicality in the law in the funding for our committee on security and cooperation in Europe, known as the Helsinki Commission, of which I am pleased to serve as a member.

I thank both distinguished Senators for their aid.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MOYNIHAN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 274) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I have an amendment at the desk which was scheduled for debate this afternoon, and which is to be voted on tomorrow.

I understand that the time of the vote has been changed to 2:15. I wonder if the distinguished Senator from North Carolina would think it might be useful if he and I or our colleagues might have 5 minutes each before that vote tomorrow to summarize our positions.

Mr. HELMS. Mr. President, if the distinguished Senator will yield, let us make that 10 minutes each, because I think Senator DOLE may wish to address the amendment.

Mr. MOYNIHAN. Fine.

Mr. HELMS. Five minutes for him and other Senators.

Mr. MOYNIHAN. Ten minutes on each side.

Mr. HELMS. Yes.

Mr. MOYNIHAN. Prior to the vote on the amendment now being discussed, and pending the clearance of the leaders, we would ask that 10 minutes on each side be reserved. That is not a request to be settled at this point, but I would like to note how we wish to proceed.

The PRESIDING OFFICER. That would be in addition to the 3-hour time ordered?

Mr. MOYNIHAN. That is right. But I do not now request that. I will make the request in due time.

The PRESIDING OFFICER. The request would then be that the vote occur at 2:30?

Mr. MOYNIHAN. That would approximately be the case, yes.

AMENDMENT NO. 268

(Purpose: To prohibit soliciting or diverting funds to carry out activities for which the United States assistance is prohibited)

The PRESIDING OFFICER. Does the Senator wish to proceed on his amendment?

Mr. MOYNIHAN. I would wish to proceed to the immediate consideration of the amendment, and the unanimous consent request will be made in due time.

The PRESIDING OFFICER. That being the case, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 268.

Mr. MOYNIHAN. 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:

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 of 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.".

The PRESIDING OFFICER. Senators are advised that the 3-hour time limit has now begun.

Mr. MOYNIHAN. I do thank the Presiding Officer. Let us proceed with a debate which, Mr. President, I dare to think may have consequences larger than are now envisioned for the future conduct of American foreign policy.

I would like to say at the outset that in offering this amendment, which is entitled "Prohibition on Soliciting or Diverting Funds To Carry Out Activities for Which the United States Assistance Is Prohibited," I do so on behalf of a unanimous Committee on Foreign Relations. I would make the explicit point that the vote was a voice vote. No objection was heard. It was the clear impression that the committee was entirely in support of this measure.

I would make the second point that the measure as approved was amended by the distinguished manager on the minority side of this legislation, the Senator from North Carolina. After observing that we were placing clear restraints on certain activities and criminal penalties thereon, the distinguished Senator added a proposal which simply reads:

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. President, that is a matter with which the committee is in the fullest agreement. It is our purpose not to impair those powers but, rather, to give them the measure of efficacy and security without which such extraordinary executive responsibilities cannot be carried forward.

Mr. President, if I were asked the constitutional question as to wherein this legislation arises—and this legislation does concern matters of constitutional consequence—I would cite article I, section 8. This provision is known as the necessary and proper provision, which states that Congress shall have the power, and I quote, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Those foregoing powers enumerated in section 8 are singularly associated with foreign policy, with defense policy, with the question in particular of the Congress shall have the power to define and punish offenses against the law of nations; to declare war, grant letters of marque and reprisal and make rules concerning captures on land and water; to support and raise armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces.

Mr. President, there is no question about this legislation being necessary. In the 2 past years, we went through an extended and divisive inquiry into the practices in the executive branch which clearly contravened the will of Congress, as stated in various amendments, but which took place even so. The level of concern in the executive branch was every bit as intense as ours.

Mr. President, I would call attention to the previously secret, now declassified, minutes of the National Security Planning Group meeting on June 25, 1984. It was suggested that although the Congress had refused to fund the administration's Contra Program, funds might be solicited from third countries to do so. The Secretary of State, the Honorable George Shultz, a learned, able, and experienced public servant, was reduced to having to say to his colleagues—including the President, the Vice President, the Secretary of State, the Secretary of Defense, the head of the CIA, and the U.N. Ambassador—that "I would like to get money for the Contras also but another lawyer, Jim Baker, said that if we go out and try to get money from third countries it is an impeachable offense." This was wise and honorable counsel from Mr. Baker, now Secretary of State, and was clearly embraced by Secretary Shultz.

What might be the consequence, of such solicitation, the only consequence at hand for the Secretary of State to point to? He said the Chief of Staff of the President had said the President might be impeached. Now, we are not in the business of impeaching Presidents as they make the ever more complex and difficult efforts to execute the laws and to conduct foreign policy.

Had there been such a statute as this on the books at the time, the Secretary of State need not have talked about an incredible and portentous event, impeachment. He could have simply said, "Gentlemen, Ambassador Kirkpatrick, this would be against the law. So it states right here. Jim Baker, my counsel, told me." Therein the matter would have ended, and a great difficulty spared our Nation unless in circumstances the President, for reasons that he chose of his own, determined otherwise.

Mr. President, at this point I ask unanimous consent that an excerpt from the minutes of the national planning group meeting of June 25, 1984, be printed in the RECORD. I also ask that a memorandum from the Chief Counsel of the Foreign Relations Committee, describing how these declassified documents were provided to the Committee be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 17, 1989.

To: Senator Moynihan.

From: Dave Keaney, Chief Counsel, Senate Foreign Relations Committee.

The following documents were provided to the Committee from the Office of the Independent Prosecutor and are part of the unclassified public exhibits to the North trial:

The Memorandum from Constantine Menges for Robert McFarland with the attached MSPG minutes is part of Defendant's Exhibit 58, Tab 4.

Despite the fact that these documents still have Secret markings, the documents have been declassified and were distributed to the public, including the press. They may be used freely in any public debate.

[SECRET]

NATIONAL SECURITY PLANNING GROUP MEETING

JUNE 25, 1984: 2:00-3:00 P.M.; SITUATION ROOM

Subject: Central America (U).

Participants: The President and The Vice President.

The Vice President's Office: Admiral Daniel J. Murphy.

State: Secretary George P. Shultz, Mr. Michael Armacost, and Mr. Langhorne A. Motley.

Defense: Secretary Caspar W. Weinberger, and Dr. Fred Ikle.

OMB: Dr. Alton Keel.

CIA: Mr. William J. Casey, and Mr. Duane Clarridge.

USUN: Ambassador Jeane J. Kirkpatrick.

JCS: General John W. Vessey, Jr., and Admiral Arthur S. Moreau.

White House: Mr. Edwin Meese, III, Mr. Robert C. McFarlane, and Admiral John M. Poindexter.

NSC: Dr. Constantine C. Manges.

MINUTES

Mr. MCFARLANE. The purpose of this meeting is to focus on the political, economic, and military situation in Central America:

Secretary SHULTZ. Several points: (1) everyone agrees with the Contra program but there is no way to get a vote this week. If we leave it attached to the bill, we will lose the money we need for El Salvador. (2) We have had a vote on the anti-Sandinista program and the Democrats voted it down. It already is on the record and the Democrats are on the record. (3) I would like to get money for the Contras also but another lawyer, Jim Baker, said that if we go out and try to get money from third countries, it is an impeachable offense.

Mr. CASEY. I am entitled to complete the record. Jim Baker said that if we tried to get money from third countries without notifying the oversight committees, it could be a problem and he was informed that the finding does provide for the participation and cooperation of third countries. Once he learned that the funding does encourage cooperation from third countries, Jim Baker immediately dropped his view that this could be an "impeachable offense", and you heard him say that, George.

Secretary SHULTZ. Jim Baker's argument is that the U.S. Government may raise and spend funds only through an appropriation of the Congress.

Vice President BUSH. How can anyone object to the U.S. encouraging third parties to provide help to the anti-Sandinistas under the finding? The only problem that might come up is if the United States were to promise to give these third parties something in return so that some people could interpret this as some kind of an exchange.

Mr. CASEY. Jim Baker changed his mind as soon as he saw the finding and saw the language.

Mr. MCFARLANE. I propose that there be no authority for anyone to seek third party support for the anti-Sandinistas until we have the information we need, and I certainly hope none of this discussion will be made public in any way.

President REAGAN. If such a story gets out, we'll all be hanging by our thumbs in front of the White House until we find out who did it.

The meeting adjourned at 3:50 P.M. (U).

Mr. MOYNIHAN. It is the essence of a government of laws, a constitutional government, that congressional mandates must be obeyed. We have in the Constitution the provision to define and punish offenses against the law of nations, and such like matters, to regulate the armed services, and to be more specific to make rules for the government, and regulation of the land and naval forces and such like.

When the Congress makes such rules, they must be obeyed. That is what a system of laws is about.

It is in that spirit that we offer a direct, simple amendment that says what Congress prohibits may not be countermanned. It is a simple, clear message to the executive branch that protects the members of that branch in the carrying out of their duties under instructions from their own superiors. It is particularly pleasing to us on the Foreign Relations Committee that the American Foreign Service Association most emphatically endorsed this measure.

I ask unanimous consent at this point that a letter from the President of the American Foreign Service Association be printed in the RECORD.

There being no objection, the material 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, 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. Mr. President, one general proposition has been advanced in opposition to this matter. It is said, and curiously, it appears to be the view of the Department of Justice, that the amendment impinges upon the constitutional powers of the President. We have an opinion which seems to me to be overly long, as if to display certain lack of confidence. This opinion relies on a broad reading of the Curtis-Wright decision of 1936, in which Justice Sutherland expounded a doctrine that greatly enhances the President's foreign policy powers and responsibilities to the seeming detriment of the Congress. President Roosevelt was simply carrying out the mandate given him by the Congress with respect to an embargo of arms in a war between Paraguay and Bolivia. The Congress had set the foreign policy. You might say the President was executing it.

What are the powers of the President, and what are the powers of the Congress in foreign policy? They are nothing more or less than those described by Alexander Hamilton in the celebrated Federalist Paper No. 75, in which he discusses the treatymaking power. He states simply that with respect to the role of the Congress on the one hand, and the President on the other, there is an intermixture of powers. That this should be so is hardly surprising to us.

It has always been the self-evident case that the President speaks for the Nation in foreign policy. When he wishes to make treaties, he comes to the Congress to receive the Senate's consent of two-thirds of Senators present and voting. The President alone can dispatch ministers and consuls, but their position is sent to the Senate to be approved by a majority vote.

If we go back to the Articles of Confederation, you will remember that for practical purposes we had no executive power, and no executive branch. There was a committee of the States, and one representative of a State would be the committee's president (with a small "p") on a rotating basis. But it did very little and could do very little, and it was that very little that led to the Philadelphia Convention which created our present arrangement.

The particular case of foreign policy attracted the attention of the authors of the Federalist Papers for the simple reason that it attracted the attention of the public at the time.

In Federalist No. 64, John Jay, who was to be our first Chief Justice of the United States, made a very important point. Hamilton later repeats it. The point being that treaties under the Constitution are the law of the land. And only Congress makes the laws.

Well, how are we going to deal with the fact that the President can negotiate treaties? Jay admits it. He said that when treaties are made and are to have the force of laws, they should be made only by men invested with legislative authority. Well, says he, that is not a practicable way to negotiate with a foreign power. But we have come to a practical solution. The President negotiates and then the treaty only comes into force when it has received the advice and consent of the Senate, and not just a majority thereof, but an extraordinary majority: two-thirds present and voting.

Hamilton returned to the question in No. 75 in which he speaks of the intermixture of powers. He, too, notes that a treaty which is the basic agreement in foreign policy partakes more of a legislative than an executive function. Even so, this intermixture of power would distribute nicely a capacity to negotiate and reach agreement. The responsibility of the Senate is then to say, very well, this agreement having been reached, it will now go into effect and be binding as law upon the peoples of the United States and the institutions thereof.

With respect to that intermixture, Mr. President, there is a fine passage from Hamilton which I would like to

quote and then, seeing other Senators present, I would like to yield.

Hamilton says:

The history of human conduct does not warrant that exalted opinion of human virtue, which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

That wonderfully encapsulates the federalist view of human nature which is, as Mr. Dooley once said, "Trust everybody, but cut the cards." Do not give any one person too much power. See that there are checks and balances, an intermixture, see that certain enterprises can only go forward in combination of executive and legislative concord.

The history of human conduct does not warrant the exalted opinion of human virtue, which would make it wise in a Nation to commit interests * * * to a President.

This is vastly more so now than ever. And in this instance, in this legislation, Congress would stand up and say, Mr. President, you need protection from persons whose names you do not know, or whose activities are concealed from you. They may think they are doing your wishes, but might actually be putting you in a situation where you could be impeached; where, as we saw earlier, your chief of staff said, if they go forward with that plan—and they did—that is impeachable. Well, surely we do not want to affect the stability of the U.S. Government, if we measure the authority of a presidential action by whether or not it would lead to impeachment on the floor of the Senate. This protects the President against persons who may think they serve him well, but in fact serve him badly.

This is needed legislation; that is why the Committee on Foreign Relations brings it to the floor at this time and why I do very much hope that we will see it approved by the body. It was agreed on Friday that the importance of the measure was such that it ought to be taken out of the bill that has come to the floor and presented for clear decision and vote by the whole Senate, which will take place tomorrow afternoon.

Mr. President, I see the distinguished Senator from Pennsylvania.

Mr. HEINZ. Will the Senator yield for a unanimous-consent request?

Mr. MOYNIHAN. Yes.

Mr. HEINZ. Mr. President, I ask unanimous consent that a man working in my office, Mr. Andy Onate, a Pearson Congressional Fellowship Awardee, be allowed the privileges of the floor, as if he were a member of my staff.

The PRESIDING OFFICER. Is there objection?

Hearing none, that is the order.

Mr. HEINZ. I thank the Chair, and I thank my friend from New York.

Mr. MOYNIHAN. Finally, Mr. President, may I note that the distinguished chairman on the Committee on Foreign Relations, Mr. Pell, is a cosponsor and should be listed as a cosponsor of the legislation, as is the learned and able and energetic senior member of the committee, the senior Senator from Maryland [Mr. SARBANES].

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. Let the record show at the outset that any time that Senator MOYNIHAN and this Senator from North Carolina disagree, we always agree to disagree agreeably. I respect and admire my friend from New York. I know he is sincere, but I believe him to be sincerely wrong for reasons which I shall develop as I go along.

First of all, I am old enough to remember World War II. Not many Members of this Chamber are. The Senator from New York said, "So am I, I am sorry, to say," and I will add that I feel the same way about it sometimes.

Now, Mr. President, when you consider the five Boland amendments and then consider the pending amendment by the Senator from New York [Mr. MOYNIHAN], you realize that the Moynihan amendment is a quantum leap beyond even the Boland amendments, which were confined to the Nicaragua situation. This makes it a generality; everything comes under the tent.

Moreover, this amendment does something the Boland amendments never did—it applies criminal penalties.

Now, I will say this: If Franklin Roosevelt had had to try to prosecute World War II under the restraints by Congress that have been imposed upon the President of the United States in this time by the Boland amendments, and are proposed to be imposed by the Moynihan amendment, World War II may very well have been lost.

All of us of that generation remember the countless secret meetings and arrangements and agreements between Franklin Roosevelt and Winston Churchill, for example. These would have been exluded. They would have been considered criminal acts under the proposed Moynihan amendment.

I do not direct the following comment to Senator MOYNIHAN, but I gained the impression in the political atmosphere that prevails in Washington today that there is an effort to milk that Iran-Contra cow on and on and on into perpetuity. Now, the fact is that the previous President of the United States and his administration were doing everything they could to try to prevent another Communist satellite from surviving in our hemisphere. I think they were right in their efforts.

What we have now is a Communist satellite in Cuba. We have won in Nicaragua. We have the Soviet Union reaching its tentacles throughout our hemisphere, and the Congress in its wisdom, or lack thereof, has consistently hamstrung the efforts to stop this Communist intervention into our hemisphere.

So, Mr. President, for a variety of reasons, I strongly oppose the Moynihan amendment, and I do so with deep respect for its author. I oppose it because it fails to overcome the central constitutional defect of the language which the Senator offered in committee, and therefore, still threatens to bring down this bill.

Let there be no mistake about it, the administration has assured me that President Bush will veto this bill if this amendment is adopted and becomes a part of it. I have a letter from Deputy Secretary of State Larry Eagleburger, the No. 2 man in the State Department, and Acting Secretary while Jim Baker, the Secretary of State, is out of the country. He is therefore writing on behalf of the Secretary of State. I shall present this letter in a moment.

Now, Mr. President, with respect to the committee deliberations on this amendment, I think there is a need to elaborate just a little bit on the facts as I recall them. There was discussion at the time of the approval of this amendment in committee that the distinguished Senator from New York might be able to work out an acceptable version of his amendment with representatives of the administration.

Indeed at one point the Senator from New York indicated he would be willing to forego offering the amendment on the Department of State authorization bill, the pending bill, and would instead be willing to await the foreign aid bill then pending in committee.

Ultimately, the Senator from New York did offer his amendment, and it was as he has indicated, accepted on a voice vote after having been modified by a suggestion made by this Senator from North Carolina.

Certainly, it was my anticipation that further efforts would be made to arrive at a compromise acceptable both to Senator MOYNIHAN and to the administration because a vital constitutional principle was and still is at stake.

Unfortunately, those discussions, whatever they were and however many there were, have not to this point produced a version acceptable to the administration because of the flawed constitutional defect. Indeed,

the seriousness of the administration's position will be made clear when I read Mr. Eagleburger's letter shortly.

Mr. President, I ask unanimous consent to insert at this point in the RECORD portions of the transcript surrounding the committees's discussion of the Moynihan amendments—then cited as sections 107 and 108 of the chairman's mark—on May 18, 1989.

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

Senator HELMS. Mr. Chairman, even though we have no quorum, there is no Senate rule prohibiting discussion of any amendment. We might save a little time if we call up sections 107 and 108 on page 17.

I would like for the relevant——

The CHAIRMAN. Excuse me, but what page is that?

Senator HELMS. It's page 17 of the markup.

I would like the administration's comments on this proposed provision.

I think it is proper to revisit Senator Dodd's comments the other day.

Part of the way this bill has a chance of survival through the Senate, and with the House and through a successful Conference, is if the administration is on board.

I would ask the State Department spokesman, person, people, to come forward so that we may hear from them.

These provisions would appear to be calculated to relive the Iran-Contra matter. We are already doing that with various nominations, and Gregg and Negroponte come to mind. I would hope that we would leave it at that and not get to legislating on it.

Now, my observation would be that if the Committee persists in highly objectionable provisions, such as 107 and 108, we are going to hanging an anchor around the bill that will sink it.

Now, may I suggest that since both amendments could easily be considered in the context of the Foreign Aid Bill, that we take them off of this bill and talk with the administration people, the lawyers in particular, and see if some reasonable compromise can be achieved in time for the Committee's deliberations on the Foreign Aid Bill, which I assume will be in June.

Now, I wonder if you have any comments. Do you agree with me or disagree with me, or what?

The CHAIRMAN. May I interpolate here, too?

Senator HELMS. Sure.

The CHAIRMAN. My understanding of this provision is not that it is retroactive, but that it is forward-pointing, to try to prevent a repetition of what may have happened in connection with "Irangate."

Ms. CUMMINS. Good morning. I am Sally Cummins from the Office of the Legal Adviser.

I do not have a fully cleared administration position on this amendment. Certainly no one in the administration is averse to being told to obey the law, and I'm sure that that's the way some people perceive this amendment. However, when you look at the specifics of the law, all parts of the administration, both foreign policy and criminal law enforcement aspects, have raised very serious concerns about these particular provisions.

I would welcome the idea of striking them from this bill and giving more time for the administration to work with you to see if there is something that would be much narrower, much more specific, much more to the point, as we perceive it, that could be worked out in time for the Foreign Aid Bill.

I would be happy to give you our views about particular concerns that have been raised throughout the administration if that would be useful at this time.

Senator HELMS. It would be useful.

The CHAIRMAN. Excuse me, but had you finished?

Ms. CUMMINS. I was going to go ahead and give you some idea of the various concerns that have been raised.

The CHAIRMAN. Please go ahead.

Ms. CUMMINS. I think the first one, the one that weaves its way through all of this, is the great concern about the criminal sanctions in this bill.

First of all, this bill adds criminal sanctions to provisions that are not criminal in themselves. As we perceive the way this would be intended to be applied, it would be applied to statutes that, by and large, prohibit the use of U.S. funds for particular purposes.

There is no criminal sanction for using U.S. funds for promoting law enforcement efforts, for instance, in a foreign country. It's prohibited, but it's not criminal if someone does it.

Now this comes along and puts a subsidiary criminal sanction in the context of these amendments. That seems an inappropriate use of criminal penalties.

More serious is that the amendments are drafted so that I think it would be almost impossible for anyone to know when they were going to be subject to these criminal penalties. I think you would get into serious concerns about vagueness for criminal sanctions.

Section 107, for instance, prohibits the solicitation of funds for any purpose that would violate an objective of a law, of a United States law. That is an extremely vague prohibition, leaving everyone, including the President, to guess what the objective of a particular law is or would be found to be, rather than criminalizing a particular activity.

Similarly, in section 108, there would be criminal sanctions on giving aid that has the purpose or effect of violating a U.S. law. Again, it is almost impossible for anyone to know ahead of time precisely what aid will be used for, and to be found retrospectively that some aid ended up being used with an effect that violates U.S. law is really an impossible kind of criminal standard.

The kind of laws we are talking about here also raise serious concerns. The example I gave before, which I think is section 60 of the Foreign Assistance Act, that prohibits the use of U.S. funds to promote law enforcement efforts in a foreign country, is geared to conserve scarce U.S. resources. There is no effort there to say that for some reason we totally oppose law enforcement efforts or that we think it is inappropriate for other countries to fund their own law enforcement efforts.

Yet, as I read section 107, we could not talk to a foreign government about using its own funds to support its own law enforcement efforts without violating section 107.

It is not a practical law, as drafted.

I think that is reaches far too broadly in ways that are simply not practical and I assume were not intended by the drafters.

Finally, of course, particularly because of the criminal sanctions and the overlap between other laws, it is certainly an intrusion on the President's ability under the Constitution to carry out his responsibilities and obligations to conduct foreign policy. If all diplomatic conversations, if the administraton of the Foreign Assistance Program, if intelligence conversations are constantly being second-guessed and monitored for the possibility that something will end up having the effect of violating a U.S. law or will violate the objective of a U.S. law, this is surely an intrusion on the President's constitutional role in the carrying out of foreign affairs.

As I said in the beginning, it is not that anyone objects to being told to obey the law. I think we understand where this is coming from. But anything that tries to reach as broadly as these provisions do, and with criminal sanctions is not an effective, or, really, a realistic way to approach the problem.

The CHAIRMAN. As I mentioned before, this is not in any way an effort to dig up what has gone by. It is to prevent in the future certain abuses that we both agree should not take place. If the language should be refined or made more specific, then we would welcome suggestions in that regard.

I would recognize now the Senator from North Carolina.

Senator SANFORD. I was simply going to inquire here.

You said that you would be glad to work with the Committee to find some approach to this proposition. But your position actually is that you would just as soon not have it in here at all?

Ms. CUMMINS. I think that is probably correct, given the seriousness of all the reservations that have been raised throughout the administration about the workability of these particular provisions.

Senator SANFORD. Thank you.

The CHAIRMAN. Senator Moynihan.

Senator MOYNIHAN. Mr. Chairman, I certainly appreciate the concerns that have been expressed.

I would like to speak for a constituency which is rarely heard in our councils, which is the officers of the Department of State, the officers of our intelligence agencies.

They have, as they come to learn in painful circumstances, been placed in a position where they are asked to do things which are questionable at law and are put in a situation where somehow it is said to them that their loyalty to individuals or to programs or to policies has to overcome any commitments of their oath of office.

It is an intolerable thing to do, Mr. Chairman, in my view.

I have been an ambassador twice—once overseas and once in the United Nations. I have dealt with intelligence officers, I have dealt with career officers, I have dealt with it all. All there is to know about these matters I have known.

I have dealt with the most sensitive of espionage activities, the most delicate possible relations between our two countries, and I always felt that what was strongest in the incredible demands we put on people—people who put themselves in harm's way and anonymously, and if it all went wrong, they got a little, gold star on a wall over in Langley, and no other comments—but at least they knew they always had the realization that they had the Constitution of the United States behind them, and an Executive whose oath states the following. The President says, "I do solemnly swear or affirm that I will faithfully execute the Office of President of the United States and will, to the best of my ability, preserve, pro-

tect, and defend the Constitution of the United States."

He shall take care that the Constitution, and it says "that the laws be faithfully executed."

Now, if the State Department wants to come to us and say that they don't feel that their officers need to take care that the laws be faithfully executed, I don't recognize that State Department, and I don't think it is paying attention to the needs of the men and the women in the field. Those men and women who have left this town under a cloud, who could always be explaining where they were, what they did, and why, it is not fair to them, it is not fair to the institutions they represent.

This amendment very simply says that you may not do anything that would violate our laws, and it is there to protect the persons who are being told to violate the laws, and they have done so up and down at the Department of State.

I am really a little surprised. I know what the people in the last few years have thought, how nearly they have come to resign, how bitterly they felt, and how betrayed they felt.

This is to protect our people, Mr. Chairman.

Very rarely do I invoke a personal experience in this Committee, but I invoke it here. Our people need this protection, and it is for them I am thinking. I would hope we would adopt it.

The CHAIRMAN. I thank the Senator from New York for his very compelling observations.

Senator HELMS. What does the Chairman think about the proposition of moving this provision over to the Foreign aid bill taking it out of this and at least let the administration consult and have some input.

The CHAIRMAN. I would be very interested in the reaction of the Senator from New York, whose amendment this is.

Senator MOYNIHAN. Could I ask my friend from North Carolina what he would have in mind?

Senator HELMS. Well, I can't speak for the administration on that except that they have difficulty with this. I think they have not been consulted up to now, and we are talking about whether the administration will support this bill, along with a lot of other Senators, who have their own feelings about what has gone on with respect to the Congress inhibiting the President's authority with respect to the foreign policy in Central America.

Now, I don't want to get into a debate about that, but this thing has at least two sides to it. The Senator, eloquent as he is, has not alluded to the fact that there is concern about the implications.

One thing the lady [referring to Sally Cummins, a lawyer with the State Department's Office of Legal Adviser] said, among others, is how do you know whether you are violating the law or not. An after the fact judgment is made, and I think at least Senator, and I say this with all respect and friendship, because I admire you, that the administration ought to have some input. If we don't take it, that's our business. But I think they ought to have an opportunity to sit down with us and/or our staffs and say this is what we would prefer and here is why we would prefer it.

I don't see anything wrong with that. That is the normal legislative process when you are trying to make an arrangement with the administration.

Senator MOYNIHAN. May I say to my friend that I would be happy to do that. I don't want to hold up the bill.

Does the Chairman want to report out this bill today?

The CHAIRMAN. My hope is to close up the legislative portions of the State Department Authorization Bill today.

Senator MOYNIHAN. All right.

Then why don't we go into the back room and discuss it? Would that be helpful.

I have two amendments, Mr. Chairman, just to clarify the legislation, which I would like to offer.

Senator HELMS. I, too, have a number of amendments, including one relating to the PLO, which has not been acted upon. And I have tried to bring it up, and tried to bring it up, and tried to bring it up.

Now, the Chairman feels that there is a decided lack of interest among the Committee Members in this bill. He has put out a letter, which borders on being an ultimatum, and I can understand his frustration. I have been a Chairman, too, and I know it is to sit around and wait for a quorum.

But what I am saying is why don't we move this out of this bill, put it on the Foreign Aid Bill, which is next in line, and in the meantime work it out.

I don't think that this lady, from what she has said, is prepared to go back and speak for the administration.

Ms. CUMMINS. That's correct.

Senator MOYNIHAN. That's a perfectly fair offer, sir.

This basically pertains to foreign aid, if that would help the Chairman as he wants to move the bill.

The CHAIRMAN. It would, with the understanding that there would be a good faith effort between the representatives of the Department, Senator Moynihan and Senator Helms to resolve this.

Senator MOYNIHAN. Well, I want to hear that from the department. I mean, boy they are sweet when they are coming up here looking for confirmation. But then you put in a little provision which says that they ought to obey the law, and they say what's this, you're interfering with the constitutional prerogative of the President of the United States. To do what—to break the law?

Is it your view that a President has the authority to break the law.

Ms. CUMMINS. No, Senator Moynihan. We certainly are not objective to being told to obey the law.

Senator MOYNIHAN. Well, then, what are you objecting to?

Ms. CUMMINS. Well, as I said before, it is because——

Senator MOYNIHAN. It says you have to obey the law.

Senator HELMS. Now let her answer.

Senator MOYNIHAN. All right. Fair enough.

Ms. CUMMINS. It says—first of all, we think there are some laws that this was probably not intended to reach, such as prohibition of U.S. funds to support law enforcement efforts in foreign countries. We do not truly believe that it is intended that under section 107 we, therefore, shouldn't be talking to a foreign country about supporting its own law enforcement efforts. Yet that would be the effect.

Senator MOYNIHAN. We can clarify that. That's not what we're dealing with. You know that.

Ms. CUMMINS. Well, section 107 would do that.

More seriously, since 107 talks about objectives of U.S. law——

Senator MOYNIHAN. We have offered an amendment which clearly would preclude any such considerations, and you have that amendment.

Ms. CUMMINS. No, sir. I have seen nothing except what is in the print of S. 928.

Senator MOYNIHAN. Well, Mr. Chairman, I am more than happy to accept the understanding that we will deal with this on foreign aid.

But I would like to say that this is not a very happy beginning and this is something—where is Mr. Baker today?

Ms. CUMMINS. He's in the country.

Senator MOYNIHAN. Are you speaking for him?

Ms. CUMMINS. I do not have an official administration position on this bill.

Senator MOYNIHAN. Oh, now wait, Mr. Chairman, Well, all right. We don't have an official administration position, so we are not locked into anything, so we might work it out.

Ms. CUMMINS. We would certainly work with you.

Senator MOYNIHAN. I would have to say to you that it would be pretty alarming to me to have found that the Secretary of State sent a message to us. It is not a message he wants to send, if he wants to have a happy life as Secretary of State.

[General laughter.]

Senator MOYNIHAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Moynihan.

Then, with that understanding of good faith negotiations on the part of the department, Senator Moynihan and Senator Helms, we will lay this aside and attach it to the Foreign Aid Bill when that comes out.

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Senator MOYNIHAN. Mr. Chairman, I wonder if I could return to that matter of earlier, to say that, with great respect, we have had a problem from time to time, in recent years, of amending, of seeing that the Foreign Aid Bill actually be enacted. We are going to try to make sure that it is this year.

But what I would like to do, in absolute good faith, is I want to talk with the Secretary of State about this matter. The Secretary of State, after all, is quoted in a very handsome way in a meeting of the National Security Planning Group at a time when some issues of this kind arose. Secretary Shultz quoted Mr. Baker, then Chief of Staff, as saying that the U.S. may raise and spend funds only through an appropriation of Congress, and that soliciting money from third countries is an impeachable offense.

We're protecting the President of the United States here. Jim Baker, as Chief of Staff, said that that's an impeachable offense, and he said I'm not going to let that happen to my President.

I think he would want this legislation.

What I would like to do, Mr. Chairman, if it can be worked out, is, in absolute good faith, move the amendment as amended, and then offer to sit down with the Department of State and my good friend from North Carolina, and see how they would like it changed, and then we'll offer those changes on the floor.

Senator HELMS. Well, I thank the Senator. That's what I had proposed in the first place.

I thank the Senator for his willingness to do that.

Senator MURKOWSKI. You now have seven of us again.

Senator HELMS. Excuse me, but did the Senator say to move it out of this bill?

Senator MOYNIHAN. No, sir.

Senator HELMS. Oh, I misunderstood.

Senator MOYNIHAN. I'd like to put it on this bill and then change it. If we could be persuaded, and no doubt we can, that there are amendments needed, then we'll offer them on the floor.

The CHAIRMAN. In other words, the Senator desires a vote on this.

Senator MOYNIHAN. Yes, sir. I desire a vote on the amendment, as amended.

Senator HELMS. What is the pending business?

For the record, let the record show that I yielded to Senator Moynihan for this conversation. He did not know that I had the floor.

Senator MOYNIHAN. I'm sorry, and I appreciate your courtesy.

Senator HELMS. Oh, no problem. No problem.

Now, the pending business, Mr. Chairman, as I understand it, is the U.N. allowance amendment, is that correct?

The CHAIRMAN. That is correct. As a matter of orderly procedure, if you like, we were on that and we can vote on that. But I think that Senator Moynihan is correct in raising this subject now, close to the time when it was being discussed.

So I would say that we ought to vote on the U.N. allowance, and then vote on Senator Moynihan's item, and then come back to Blair House and PFIAB.

Senator HELMS. Okay.

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The CHAIRMAN. Now I must turn to Senator Moynihan and recognize Senator Moynihan.

Senator MOYNIHAN. Thank you, Mr. Chairman.

I would offer an amendment in the nature of a substitute for the amendment in 107. It is a clarifying amendment, and simply addresses some of the concerns which I believe have been raised by the Department of State.

We provided the revised version at least a month ago. In any event, sir, it simply prohibits the solicitation of funds to further illegal activities. I consider it to be a protection to the career officers of our intelligence services and our diplomatic services.

I have made my point and would be happy to hear others. I would ask for a vote.

I also would like to specify that I will sit down with the Secretary of State or his designee, or Ms. Mullins, and anyone else in the Executive Branch, and of course with anyone on this Committee, to see if there are, in fact, tighter languages or some unanticipated matters that we should deal with, and we will deal with them on the floor.

The CHAIRMAN. I thank you very much.

Is there further discussion or can we vote?

Senator MURKOWSKI. Vote.

The CHAIRMAN. The Clerk will call the roll on the Moynihan amendment.

Senator HELMS. Mr. Chairman, please, just one minute.

The CHAIRMAN. Senator Helms.

Senator HELMS. Let me come into the breach, here. I don't think the Senator from New York would object to this addition to this provision: add at the end of both sections 107 and 108, insert the following: "Nothing in this section shall be construed to limit the full constitutional powers of the President of the United States to conduct foreign policy."

Senator MOYNIHAN. I have no objection whatever, sir.

Senator HELMS. Thank you, sir.

I would assume that the Chairman, by unanimous consent, will accept that modification of the amendment.

The CHAIRMAN. So now the question is on the Moynihan amendment, as amended.

I don't know if we need a roll call vote on this or if everybody is in favor of it.

Is anybody not in favor of it? Does anybody want a roll call vote?

Senator HELMS. Inasmuch as it can and probably will be revisited on the floor, I suggest a voice vote on it.

The CHAIRMAN. A voice vote.

All those in favor of the Moynihan amendment, as amended, say aye.

[Ayes]

The CHAIRMAN. All those opposed?

[No response]

The CHAIRMAN. It is unanimously agreed to and a quorum is present.

Now, the proposal has been changed to make it prospective from fiscal year 1990, but it still asserts that Congress has the right to restrict the constitutional authority of the President of the United States to conduct foreign policy.

The fact is that Congress has only the authority to regulate funding for foreign relations policies. It has absolutely no power under the Constitution to limit the President's ability to make and execute foreign policy.

Specifically, Senator MOYNIHAN's amendment, now pending, provides that whenever any U.S. law expressly prohibits U.S. assistance to any foreign region, country, government, group, or individual, no officer or employee of the U.S. Government may solicit funds or material assistance from any foreign government, foreign person, or U.S. person, for that matter, if the solicited funds would have the same effect as the prohibited U.S. Government assistance.

This does not even make good nonsense, because the Government does not have the constitutional authority to do that.

Moreover, all U.S. assistance of any kind could be cut off under the amendment, which cuts off any aid to any third party that might otherwise be in line to receive assistance.

So where does that leave us? To put it as simply as I know how, the pending amendment would impose criminal liability upon any Government officer or employee who solicits funds from private or foreign sources to execute the President's policy when Congress itself has refused to supply Government funds.

You go back and you examine some of the decisions and agreements of Franklin Roosevelt during World War II and you would see the kind of obstacles that would have blocked President Roosevelt in the prosecution of World War II.

Under the amendment, if a foreign government receiving U.S. aid should fund actions that Congress will not pay for, then all aid to that country would be cut off. Let me reiterate: That goes far beyond any power the Congress has under the Constitution of the United States. If Congress will not put up the money for our President's policy, that is fine. The Congress can do that. But if the President's policy does not depend on U.S. Treasury funds, then the Constitution allows the President full power to fund it from nongovernment sources.

It is not hard to understand why the President is so adamant against this proposal for the fact is that it goes to the heart of the President's powers under the Constitution. And bear in mind, we are talking about any President, this one or a subsequent one, Democrat or Republican, or whatever.

It is a direct, explicit, and conscious attack on the separation of powers, and this is nothing less than an attempt by Congress to criminalize foreign policy.

(Mr. GLENN assumed the chair.)

Mr. HELMS. Mr. President, the limitation on the foreign policy powers of the President in the Constitution are few. If the President nominates an Ambassador, the Senate must concur in that appointment before the President's choice can become an Ambassador. If the President negotiates a treaty, as Senator MOYNIHAN has pointed out, two-thirds of the Senate must concur before the treaty can be ratified by the President and, of course, only the Congress can declare war.

Finally, Congress has the power to withhold the appropriations necessary to provide the means to execute a policy if it disagrees with that policy. But please observe carefully, Mr. President, that Congress has only the power of the purse, period.

Congress has no constitutional power to prohibit, let alone criminalize, a foreign policy which any President wishes to pursue. If the policy can be implemented without the expenditure of funds, Congress can have no effect on the outcome in any manner under the Constitution of the United States.

What this means is that the President of the United States under the Constitution can pursue any foreign policy he wishes if no funds are required to provide economic assistance or weapons of war or armies or the use of agencies of the Government.

Not only is the President allowed under the Constitution to pursue any such policy, but he has the moral obligation to pursue such a policy if he believes that it is in the best interest of the United States. Certainly Ronald Reagan made it clear over and over again his grave concern about the Soviet Union's intrusion into our hemisphere.

Who can forget Fidel Castro and the Communist government there? Look what happened in Nicaragua; and the

Soviet tentacles are reaching into other countries including right now Mexico.

So the President of the United States has a duty to oppose Congress with every proper means at his command so long as he believes the national interest requires it.

Now, the President may very well have to pay a political price for such a position, and that is part of it, too. If cooperation with Congress breaks down entirely all policies may come to a standstill. The President's opposition to Congress may indeed anger the people of the United States to the extent that the President may not be reelected if he runs for another term; or the people may be so angered at Congress that Congressmen and/or Senators may be replaced. But that is in the political arena. It is not in the legal or constitutional arena.

So in the long run the only constitutional sanction against the President is impeachment.

I say this knowing full well that it is a doctrine that cuts two ways. I have in my 16½ years in the Senate disagreed with the President of both parties, and I have said so. I am not a nervous Nelly about doing that. And I have attempted on a number of occasions to use constitutional tools that are at the proper command of Congress to try to get the message across.

And I do not think there is anything wrong with that. But I also realize that under the doctrine of separation of powers, the President is and must continue to be relatively free to do what he thinks is best in the area of foreign policy.

Therefore, Mr. President, the pending amendment is constitutionally unsound, in my judgment. It is fatally flawed. It is a rather obvious attempt by Congress to usurp powers that belong to the President under the Constitution and under the American system.

There are some who would reduce the President to a mere figurehead as though we had a parliamentary form of government in this country. We do not. In short, this is such a bold threat to the very heart of the American system that I think all Americans would rise up if they were aware of what is at stake.

Now, for the letter from Secretary Eagleburger, dated July 17. It reads:

DEAR SENATOR HELMS: I understand that on Friday the Senate deleted sections 111 and 112 from S. 1160 and agreed to consider a substitute section 111 offered by Senator Moynihan. The substitute language would apply to U.S. laws enacted on or after the date of enactment of this act, which prohibit all U.S. assistance, or all assistance under a specified account, to any specific foreign region, country, government, group or individual. The provision would impose criminal penalties on U.S. Government employees who solicit the provision of funds or material assistance by any foreign or domestic entity, and prohibit the provision of U.S. assistance to any third party, if the funds or assistance would have the purpose or direct effect of furthering or carrying out the "same or similar activities" for which assistance is prohibited. Furthermore, this provision can be superseded only by a provision of law that specifically repeals, modifies or supersedes it.

While we appreciate Senator Moynihan's willingness to consider modifications of his previous proposals, the new section 111 is still unacceptably vague, impossible to administer, and an impermissible intrusion on the President's constitutional prerogatives. Such a provision is unnecessary to achieve compliance with statutory limitations on spending. Moreover, it would have a serious detrimental effect on the conduct of U.S. diplomacy and the administration of U.S. assistance programs, and would unfairly expose U.S. officials to potential criminal liability in cases where they would have no reason to believe that their conduct was unlawful. The Administration is strongly opposed to the new section; we would recommend that the President disapprove the bill if this provision is included in final passage.

The proposed amendment is essentially an attempt to prescribe to future Congresses what consequences should flow from any prohibition on assistance which they may choose to adopt. It is an attempt to convert all future assistance prohibitions into criminal statutes which encompass a wide range of actions other than the provision of assistance to the country in question. There is absolutely no need for such a provision. U.S. assistance programs are already subject to the Anti-Deficiency Act and a host of other legislative and regulatory provisions. If in a particular future case Congress wishes to adopt additional measures or to expand the scope of a prohibition in a particular case, it should consider such actions in light of the specific circumstances it may be dealing with at that time. Each Congress should craft its own solutions, and not be hampered by the need specifically to undo prior sweeping measures such as the current proposed amendment.

Furthermore, the language of the proposed amendment is extremely vague and would be virtually impossible to administer. It refers, for instance, to assistance to a third party or solicitation of funds where the "purpose of direct effect" would be to further or carry out "the same or similar activities * * * for which United States assistance is prohibited." But statutory prohibitions on assistance to particular countries usually do not specify a series of activities for which assistance is prohibited, and as a result the proposed amendment could be interpreted to apply to all activities for which U.S. assistance could have been provided to a particular country but for the prohibition. This would include virtually all forms of economic activity in the country in question, as well as most forms of military, political and governmental activity.

The result would be to sanction—in some instances with criminal penalties—any encouragement by U.S. Government officers or employees (including members of Congress) of any assistance by anyone for virtually any activities in the specified country, and any U.S. assistance to a third country which has the direct effect of furthering any such activities. This would severely inhibit any dialogue with governmental or business leaders of such a country, and in the case of assistance to other countries, it would be almost impossible to determine whether any particular assistance would have the effects prohibited. For example, economic assistance of any significance to a neighboring country could have a direct stimulating effect on economic activity in the country to which aid is prohibited.

As a result, this proposed amendment could have many undesirable results probably not intended by its sponsor. For instance:

The annual Foreign Operations Appropriations Act typically includes a prohibition (e.g., section 550 of the 1989 Act) on all assistance to a series of countries, including Angola and Cambodia. Significant economic aid to a country bordering any of these could well have a direct stimulating effect on economic activity in the named country, and accordingly could be seen as violating the proposed amendment.

The 1989 Foreign Operations Appropriations Act prohibits all assistance to the Noriega regime in Panama. If that were reenacted in a later year, the proposed amendment could be interpreted to mean that we could do nothing that would have a direct stimulating effect on economic activities in Panama so long as Noriega is in control. Yet the United States obviously engages in activities that have exactly that effect—most notably through our involvement in the operation of the Canal and our maintenance of U.S. forces in Panama.

The Foreign Assistance Act prohibits assistance to a group of Communist countries (including Poland and Hungary). If the pending International Cooperation Act of 1989—which effectively reenacts the Foreign Assistance Act in modified form—is enacted into law, any attempt to encourage economic development in those countries through others would be prohibited. We would, for instance, have to distance ourselves completely from the effort to promote development in Poland.

Two more paragraphs and I shall conclude the reading of Mr. Eagleburger's letter. I am reading this letter into the RECORD for a purpose. I want all Senators who may be listening in their offices to understand fully the administration's position.

Mr. Eagleburger concludes:

Most important, this proposed amendment would seriously impair the President's ability to carry out his Constitutional responsibility to conduct relations with foreign governments and to administer U.S. assistance programs. In effect, it would constitute a pervasive regulation of the conduct of diplomatic conversations, which would be under the constant shadow of the possible imposition of criminal or civil liability if later deemed to further some prohibited activity or to have some prohibited effect. This would apparently be so, moreover, even in the absence of any specific intent on the individual's part to violate the law. The same danger would be present in the administration of foreign assistance programs and sensitive intelligence contracts. These are matters assigned by the Constitution to the President, and Congress cannot, and should not, attempt to hamstring the President with such overreaching and inappropriate prohibitions. (These constitutional aspects are dealt with at greater length in the June 20 letter of the Justice Department.)

In closing, I would simply state that the Secretary and I are fully mindful of the concerns behind this proposal. You can be confident that even if there were no prohibi-

tions on the books against the use of indirect means to take illegal actions, this kind of activity on the part of Administration officials would never arise. By working together we can accomplish much more than would result from imposition of legislation that so threatens the proper role of the executive.

Sincerely,

LAWRENCE S. EAGLEBURGER.

Mr. President, I ask unanimous consent a letter dated June 17, 1989, from Assistant Attorney General Carol T. Crawford to Senator MITCHELL also be printed in the RECORD at this point, and I yield the floor.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 17, 1989.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: This letter presents the views of the Department of Justice on Senator Moynihan's proposed amendment to S. 1160, "the Foreign Relations Authorization Act for Fiscal Year 1990." The amendment would strike sections 111 and 112 of the Committee Print of the bill and substitute a revised section 111.

While Senator Moynihan's amendment is marginally narrower in certain respects than sections 111 and 112 of the Committee Print, the amendment contains the same grave and fundamental constitutional problems that previously led the Department to oppose sections 111 and 112. Accordingly, unless our constitutional concerns are addressed, the Department will recommend that the President disapprove any bill that contains either section 111 as amended by Senator Moynihan or sections 111 and 112 of the Committee Print.

The President has the responsibility, under the Constitution, to determine the form and manner in which the United States will maintain relations with foreign nations. *E.g.*, U.S. Constitution, Article II, sections 1, 2 and 3; *Haig* v. *Agee*, 453 U.S. 280, 291-92 (1981); *Baker* v. *Carr*, 369 U.S. 186, 212, 213 (1962); *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319-20 (1936). Several provisions of the amendment impermissibly intrude upon that authority.

Section 111 as amended would amend the State Department Basic Authorities Act of 1956 to prohibit "officers or employees of the United States Government from soliciting the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person * * * 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." We believe this provision is both unconstitutional and unwise.

This provision appears designed to prohibit, among other things, consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake. Any such limitation on the President's authority to discuss certain issues with foreign governments, or to recommend or concur in courses of action taken by other nations, would pose the gravest constitutional problems. In particular, it has long been recognized that the President, both personally and through his subordinates in the executive branch, determines and articulates the Nation's foreign policy. *See* statement of John Marshall, 10 Annals of Cong. 613 (1800); *Curtiss-Wright, supra*, 299 U.S. at 320 ("the President [is] the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress."). This authority encompasses the authority to discuss any issue with another sovereign nation and to recommend to it such courses of action as the President believes are in our Nation's interest. We believe, therefore, that section 111 as amended impermissibly infringes on a fundamental responsibility that the Constitution has entrusted to the President.

We note, moreover, that section 111 as amended would erect criminal penalties for violating its sweeping provisions. The prohibitions are cast in vague and subjective terms. Given the President's constitutional authority in this area, such vagueness is inherent in any attempt to criminalize the exercise of his foreign policy powers. We believe section 111 is far too vague to pass constitutional muster as a criminal statute. *See Kolender* v. *Lawson*, 461 U.S 352 (1983). Even if upheld, the threat of criminal sanctions, based on vague and subjective standards, would greatly impair the conduct of military, foreign policy and intelligence activities by the United States, with concomitant damage to interests of the Nation. Moreover, amended section 111 poses profound constitutional problems, insofar as it purports to restrict "assistance" provided under statutory authority, because the "purpose" and "effect" tests it establishes are so vague and subjective as to interfere with the President's constitutional role in foreign affairs.

First, prosecutions under amended section 111 turning on improper "purpose" would necessarily entangle the courts in nonjusticiable political questions. *See Baker* v. *Carr, supra*, 369 U.S. at 217. To attempt to discern the President's state of mind, or the state or mind of subordinate executive branch officials, and to impose the threat of criminal penalties based on allegedly impermissible foreign policy objectives in carrying out otherwise authorized actions, infringes on the constitutional responsibilities and powers of the President. *Cf. Goldwater* v. *Carter*, 444 U.S. 996, 1003 (1979) (Rehnquist, J., concurring) (issue is "political" and nonjusticiable if it "involves the authority of the President in the conduct of our country's foreign relations and the extent to which the * * * Congress is authorized to negate the action of the President").

Second, presecutions turning on the improper "direct effect" of assistance would also unconstitutionally interfere with the President's control of foreign policy. The "direct effect" of assistance is often unpredictable and outside the control of the President. The section would make no meaningful distinction among collateral effects. Expecting executive branch officials to second-guess some future judgment as to the "direct effect" of assistance would impermissibly cabin the President's exercise of his constitutional authority in foreign affairs.

Indeed, in addition to these constitutional problems, amended section 111 would hamstring the Nation's foreign policy by criminalizing foreign policy disputes, rather than leaving resolution of such disputes to the political process. By making those who formulate and execute foreign policy serve the public under the threat of standardless criminal prosecutions, section 111 as amended would clearly have a negative impact on the effective, forceful and entirely lawful representation of the Nation's foreign policy interests.

We note that included in amended section 111 would be the provision that "[n]othing in this section shall be construed to limit the full Constitutional powers of the President of the United States to conduct the foreign policy of the United States." We believe this provision is clearly inadequate to preserve the President's authority in this area, or to resolve the many other problems posed by these sections. The provision merely states a truism: no statute can limit the substantive authority of the President under the Constitution. The opportunity to litigate the scope of the President's constitutional authority in a criminal prosecution, however, would be cold comfort to policymakers, and in no way removes the chilling effect that these provisions will have on the making of sound foreign policy.

Section 111 as amended would also provide "that 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." Where Congress has prohibited aid to a particular country, we do not dispute that it can prevent circumvention of that prohibition by prohibiting the United States from providing money to a third country to be passed along to the prohibited country. We object, however, to the use of "purpose" or "direct effect" language for the reasons stated above.

Accordingly, for all of these reasons, we urge that Senator Moynihan's amendment not be adopted and that instead sections 111 and 112 be deleted.

The Office of Management and Budget has advised that there would be no objection to this report, and that enactment of sections 111 and 112 as reported by the Foreign Relations Committee, or the proposed (Moynihan) revised section 111 would not be in accord with the President's program.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

Mr. MOYNIHAN. Mr. President, I want to thank my friend and fellow committee member, the able and learned Senator from North Carolina, who has set forth in careful, modulated and moderate terms the opposition of the administration to this measure. Yet, I view this administration position as disappointing in its context as well as its text.

We are very clearly here to try to see that there be no repetition of the events of the past administration. They were painful, divisive, and dangerous. They raised a specter of a constitutional crisis. Only the extent to which the Secretary of State and his Chief of Staff and the President himself realized that potential, did we avoid it. We realized it after the event when, in fact, it existed; it was a constitutional crisis.

A distinguished observer at that time remarked in an article that if ever the constitutional form of Government of the United States would come to an end, we now have a better idea of how this might come about. It was of that level of consequence. And all because people acted in ways that the President surely would not have wished them to do. Yet, those people thought that in the end he would welcome the fruits of their actions, and no one was able to say: No, you cannot do that; Congress has said you cannot do that.

This is not just our right but our responsibility. I have here, Mr. President, a memorandum of law from the American Law Division of the Congressional Research Service. It states:

In summary, the exercise by the President of power delegated by Congress must comply with its terms. Accordingly, neither the President nor his agents are at liberty to disregard conditions imposed by Congress on the provision of United States assistance which only Congress can authorize and fund.

We are trying to protect the President and the process.

Mr. President, I have two memoranda of law from the American law division, one dated June 28, 1989, and the other dated July 10, 1989, attesting to the clear constitutionality of this amendment. I ask unanimous consent they be printed in the RECORD at this point.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 28, 1989.

To: Hon. DANIEL PATRICK MOYNIHAN. Attention: Paul Stockton.

From: American Law Division.

Subject: Response to objections directed at amendment proposing Section 111 to the "Foreign Relation Authorization Act, Fiscal 1990" (S. 1160).

Reference is made to your inquiry of June 23, 1989 requesting our comments on the Justice Department's views concerning your proposal to prohibit soliciting and diverting funds to carry out otherwise prohibited activities.

The proposed section in question, Section 111, clearly is intended to preclude a repetition of various activities disclosed during congressional and other investigations of the Iran-Contra Affair. Briefly, it is designed to prevent so-called "tin cup diplomacy", whereby U.S. officials seek to obtain funds from unconventional sources to carry out foreign policy objectives at odds with legal requirements, and manipulating foreign assistance to encourage third party support for activities that cannot be legally supported in a direct manner.

Specifically, proposed Section 111 amends the Foreign Assistance Act of 1961, as amended, to prohibit officers and employees of the United States Government from "solicit[ing] the provision of funds or material assistance by any foreign government" or its agents and foreign or United States persons for the purpose of furthering an activity or activities the assistance of which is prohibited by law. In addition, Section 111 prohibits United States assistance to a third party when that assistance has the purpose or direct effect of furthering an activity or activities which are prohibited by law.

As defined by Section 111 "United States assistance" means "any kind" of "assistance under the [FAA]", "sales, credits, and guaranties under the Arms Export Control Act," arms export license, and, generally speaking, intelligence activities except the provision or sharing of intelligence information."

In correspondence dated June 20, 1989, the Justice Departments asserts that Section 111 "raise[s] grave and fundamental constitutional problems and should be deleted." The Department's attack on Section 111 is two pronged: it interferes with "consultation" between the United States and another sovereign nation"; it denies due process because it visits criminal penalties on conduct which is imprecisely defined.

As is becoming customary in these circumstances, the Justice Department implies that the Executive Branch is the principal, if not the only, actor having constitutional responsibilities for foreign affairs and that this state of affairs is conclusively demonstrated by descriptions of the President as being "the sole organ of the federal government in the field of international relations", citing *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 320 (1936).

Although the President has a significant role in the conduct of the foreign affairs of the United States, it is not his sole or exclusive province. Time does not permit and the occasion does not seem to warrant an extended elaboration of the facts that the Constitution divides foreign affairs between Congress and the President and that the "sole organ" designation relates to his capacity as spokesman or "mouthpiece" for the nation in this realm. Professor Edward S. Corwin, an acknowledged scholar of the Constitution and the American Presidency, made a pair of relevant observations unsurpassed for their accuracy and common sense.

Touching on the constitutional "grants of powers capable of affecting" international relations, he said:

". . . *Where does the Constitution vest authority to determine the course of the United States as a sovereign entity at international law with respect to matters in which other similar entities may choose to take an interest?* Many persons are inclined to answer offhand "in the President"; but they would be hard put to it, if challenged, to point out any definite statement to this effect in the Constitution itself. What the Constitution does, *and all that it does*, is to confer on the President certain powers capable of affecting our foreign relations, and certain other powers of the same general kind on the Senate, and still other such powers on Congress; but which of these organs shall have the decisive and final voice in determining the course of the American nation is left for events to resolve.

"All of which amounts to saying that the Constitution, considered only for its affirmative grants of powers capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy. In such a struggle the President has, it is true, certain great advantages, which are pointed out by Jay in *The Federalist:* the *unity* of the office, its capacity for *secrecy* and *dispatch*, and its superior sources of *information;* to which should be added the fact that it is always on hand and ready for action, whereas the houses of Congress are in adjournment much of the time. But despite all this, the actual *practice* under the Constitution has shown that, while the President is usually in a position to *propose*, the Senate and Congress are often in a technical position at least to *dispose*. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a *divided* power, with the lion's share falling usually, though by no means always, to the President." *The President: Office and Powers 1787-1957* 171 (1957) (Italics in original)

As to John Marshall's characterization of the President as sole organ of foreign relations, Corwin describes the circumstances for and the significance of the remark as follows:

"Marshall's remark was made in his capacity as a member of the House of Representatives to uphold President John Adams in having ordered the extradition under the Jay Treaty of one Jonathan Robbins, alleged to be a fugitive from British justice. The President's critics contended that the situation was one that required judicial action, an argument that Marshall answered by pointing out that 'the case was in its nature a national demand made upon the nation.' The parties were two nations. 'They cannot come into court to litigate their claims, nor can a court decide them.' Then follow the words quoted above, which conclude with the statement, 'of consequence, the demand of a foreign nation can only be made on him.'

Clearly, what Marshall had foremost in mind was simply the President's role as *instrument of communication* with other governments. . . . That is to say, while the President alone may address foreign governments and be addressed by them, yet in fulfilling these functions he is, or at least may be, the mouthpiece of a power of decision that resides elsewhere." Id at 177-178. (Italics in original)

Before turning to the asserted "grave and fundamental constitutional problems" raised by Section 111, note should be taken of the fact that the Justice Department apparently assumes either that federal officers and employees are currently authorized to solicit nonappropriated funds to conduct foreign affairs on behalf of the United States or that such persons do not require statutory authority for these purposes. Neither assumption seems to be legally correct.

The Constitution by the necessary and proper power assigns the power to create offices to Congress. *Buckley v. Valeo*, 424 U.S. 1, 134 (1976). Congress not only creates the office but regulates all incidents related to the office including powers and duties, term, compensation, and manner of appointment. Virtually nothing relating to an office is beyond the congressional regulatory power except for actual appointment and removal of the office holder (impeachment excepted).

Fundamental to the rule of law is the idea that actions by United States officials have to be statutorily authorized. Stated differently, the absence of restrictive or prohibitory language is not the equivalent of a grant of authority and cannot be substituted for it or to justify *ultra vires* activities.

It is Hornbook law that—

"Administrative agencies are creatures of statute and their power is dependent upon statute, so that they must find within the statute warrant for the exercise of any authority which they claim. They have no general or common-law powers but only such as have been conferred upon them by law expressly or by implication.

"Official powers cannot be merely assumed by administrative officers, nor can they be created by the courts in the proper exercise of their functions. Non-existent powers cannot be prescribed by an unchallenged exercise." 1 Am Jur 2d Administrative Law sec. 70.

Although the President has a source of power in addition to statutory grants of authority, namely Article II of the Constitution, he is similarly dependent a grant from some lawful source in order to operate. "The President's power, if any, to issue the order [to seize and operate the Nation's strike-bound steel mills] must stem either from an act of Congress or from the Constitution itself." *Youngstown Co. v. Sawyer*, 343 U.S. 579, 587 (1952). The Court's opinion in the landmark cited case went on to make two observations that are not without some relevance in the matter under consideration. First,

". . . In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States. . . .' After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.' "

Second,

". . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." id. at 588.

Accordingly, it seems to follow that the securing by federal officials of funds from any source whatsoever whether by solicitation, sale, or what have you has to be expressly authorized by law. See, e.g., U.S. Const., Art. IV, sec. 3, cl.2, which provides in pertinent part that "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the . . . Property belonging to the United States." See, also, 31 U.S.C. 3133, which authorizes the Secretary of the Treasury to accept gifts from the people of the United States to reduce the public debt, and 31 U.S.C. 9701, which specifies when and how agencies may charge for government services and things of value.

Time does not allow for a search of current authorities of all federal departments and agencies to solicit funds for the conduct of affairs, foreign or domestic. Although various provisions of law bear on the authority of the Department of State and its officers and employees in the matter of receiving and handling funds from foreign and other nonappropriated sources, none appear to authorize solicitation of funds in the manner and for the purpose that would be covered by Section 111. See, e.g., 22 U.S.C. 1754, 2103, 2220d, 2362, 2516, 2621, 2625, 2668, 2697. On the other hand, see the "Pell Amendment", section 722(d) of the Foreign Assistance Act of 1961, as amended, P.L. 99-83, which generally speaking prohibits using assistance under that Act and the AECA to obtain Contra aid from foreign sources. It would be surprising to find that the Department had any authority along these lines or even the President for that matter because of the adverse implications that authority would seem to have for accountability and separation of powers.

The Justice Department denounces Section 711 as an unconstitutional interference with the Presidents power to engage in consultations with other sovereigns, presumably a synonym for the conduct of negotiations. The charge if true would present in the Department's words a "grave and fundamental constitutional problem[]" since the power to negotiate has been described by the Supreme Court as a plenary and exclusive power of the President. *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936) (". . . he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it.") See, also, *Ex parte Garland*, 4 Wall. (80 U.S.) 333 (1867), for an instance in which a law was held unconstitutional because it had the effect of limiting a presidential pardon, one of the few other plenary and exclusive powers of the President.

The flaw in the Department's argument seems to consist of confusing negotiation with solicitation. Conceding that the latter may arise in the context of the former, they are fundamentally distinct activities. To appreciate the difference it seems necessary only to substitute for solicitation of funds for purposes of carrying on activities the direct assistance of which is prohibited by law the solicitation of a specified illicit object such as a bribe. The occurrence of the latter during the conduct of negotiations would not immunize it from prosecution. This conclusion has particular application when, as seems to be the case here, negotiations are connected with the exercise of a power delegated by Congress. Section 711 impacts on programs and activities which are authorized and funded by congressional enactments. Although it might be argued that the President has some leeway as Commander in Chief and sole organ of foreign relations to conduct intelligence operations in order to safeguard national security, it is generally conceded that the President has no authority independent of a statute to furnish foreign assistance or to sell defense articles and services. See, e.g., testimony by former Deputy Secretary of State Kenneth W. Dam, *The Supreme Court Decision Concerning The Legislature Veto*, Hearings Before the Committee on Foreign Affairs, 98th Cong., 1st Sess. 100 (1983).

As previously indicated, the President executes the laws enacted by Congress with his concurrence or over his disapproval and he is not at liberty to disregard constitutional and statutory restrictions by or during the course of negotiating with a foreign sovereign. *Reid v. Covert*, 354 U.S. 1 (1957); *Consumers Union of U.S., Inc. v. Kissinger*, 506 F. 2d 136 (D.C. Cir. 1974), *cert. denied*, 421 U.S. 1004 (1975). For example, presidential claims of independent constitutional authority to negotiate tariff changes have been rejected Compare *United States v. Guy W. Capps, Inc.*, 204 F. 2d 655, 659 (4th Cir. 1953), *affd on other grounds*, 348 U.S. 296 (1955). The exercise by the President of power delegated by Congress must comply with its terms. "[T]he executive cannot, through its communications, manage foreign commerce in a manner lying outside a comprehensive, regularly scheme Congress has enacted pursuant to its Article I, [section] 8 power." *Consumers Union of U.S., Inc. v. Kissinger*, 506 F. 2d at 149.

In summary, the exercise by the President of power delegated by Congress must comply with its terms. Accordingly, neither the President nor his agents are at liberty to disregard conditions imposed by Congress on the provision of United States assistance which only Congress can authorize and fund. We are not aware of any authority for the proposition that because an otherwise lawful condition has incidental consequences on presidential negotiating options it is thereby rendered unlawful. The numerous conditions contained in the principal laws in question, namely the FAA and the AECA, and countless others that could be mentioned are evidence in support of that conclusion.

As is apparent in the following comment by Justice Jackson, concurring, *Youngstown Co. v. Sawyer*, 343 U.S. at 644, incidential effects on presidential activities that flow from the congressional exercise of Article I, section 8 powers are permissible. "While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions."

As previously indicated, the Justice Department concludes its objections to Section 111 by suggesting that it violates due process in that it is unduly vague and subjective. For the most part, the Department's comments in this regard consist of generalities and conclusory statements. (E.g., "sweeping provisions", "cast in vague and subjective terms", "too vague to pass constitutional muster as a criminal statute".)

Vagueness or the failure to cast a criminal provision in precise terms like its twin overbreadth or the commingling of licit and illicit activities raises matters that can be debated endlessly, particularly when the debate is cast in terms of ultimate conclusions rather than reasons. Reasonable persons may read the same provision and come to different conclusions regarding the specificity or lack of specificity of its language. The Justice Department charges vagueness but does not illustrate the point with precise examples of the section's language shortcomings.

Section 111 is designed to forestall the solicitation of funds from specified sources by federal officers and employees for the purpose of supporting activities the direct support of which by federal appropriations is prohibited. It also prohibits assistance to any third party when that assistance has the purpose or direct effect of furthering or carrying out the same activities or similar activities. The activities in any and all events are activities which by law cannot be assisted. The section's language standing alone, but particularly against the background from which it springs, namely activities that came to light during the Iran-Contra investigations, seems to be clear regarding the conduct expected of federal officials. The incorporation by one statutory provision of an offense denounced by another statutory provision is not an unknown technique. See, e.g., 18 U.S.C. 371, regarding conspiracy to "commit any offense against the United States."

RAYMOND J. CELADA,
Senior Specialist in American Public Law.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 10, 1989.

To: Senate Committee on Foreign Relations. Attention: David Keaney.

From: American Law Division.

Subject: Constitutional Objections to Provisions of S. 1160, the Department of State Authorization Bill.

This memorandum responds to your inquiry respecting the June 20, 1989, letter from the Office of Legislative Affairs, Department of Justice, objecting on constitutional and policy grounds to several provisions of S. 1160, 101st Congress, the 1990 authorization bill for the Department of State, USIA, and other agencies. Because the letter sets out a standard of review that shapes the entire analysis of the bill, and because that standard is quite controversial, the major part of this memorandum addresses in some detail that matter before dealing briefly with the precise objections.

Under § 111 of the bill, officers and employees of the United States would be forbidden to solicit from foreign governments or persons funds or material assistance to further any activity for which United States law expressly prohibits or restricts the use of United States funds to pursue. Under § 112, officers and employees of the United States are similarly restricted from providing assistance to any third party which would have the purpose or direct effect of facilitating an activity prohibited or restricted by United States law. Other sections are directed to different subjects: termination under certain circumstances and subject to waiver of an agreement with the Soviet Union, § 133, requirements of certain actions by the AID Administrator with some countries respecting debt exchanges and areas of severely degraded national resources, §§ 611, 463(b)(2), 466(b), promotion of negotiations and actions respecting global warming, § 622, reports on contacts with PLO representatives, § 804, and establishment of an Advisory Commission on Public Diplomacy to make reports to both President and Congress, § 210.

Central to the DOJ analysis is the supposition of exclusive presidential control of United States foreign relations. Two quotations will suffice. "The President has the responsibility, under the Constitution, to determine the form and manner in which the United States will maintain relations with foreign nations." DOJ Letter, p. 1. "[I]t has long been recognized that the President, both personally and through his subordinates in the executive branch, *determines* and articulates the Nation's foreign policy. . . . This authority encompasses the authority to discuss any issue with another sovereign nation and to recommend to it such courses of action as the President believes are in our Nation's interest." Id., p. 2 (emphasis supplied). Combined with the Department's constitutional faultfinding in context with the provisions described above, it is evident that exclusivity and inability of legislative guidance and direction are the standards of the position.

The DOJ letter does not mention, even in passing, what the Constitution actually says about the respective powers of Congress and the President to act in foreign affairs, beyond an unexplicated citation to §§ 1, 2, and 3 of Article II. It may, therefore, not be too pedantic merely to list the various delegations that the Constitution contains, with relevance to foreign affairs. Thus, Congress, in which is vested "[a]ll legislative powers," Article I, § 1, is authorized to tax and to spend "to . . . provide for the common Defense," id., § 8, cl. 1 "[t]o regulate Commerce with foreign Nations," id., cl. 3, "[t]o establish an uniform Rule of Naturalization," id., cl. 4, "[t]o . . . regulate the Value . . . of foreign Coin," id., cl. 5, "[t]o define and punish Piracies and Felonies on the high Seas, and Offenses against the Law of Nations," id., cl. 10, "[t]o declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water," id., cl. 11, "[t]o raise and support Armies," id., cl. 12, "[t]o provide and maintain a Navy," id., cl. 13, and "[t]o make Rules for the Government and Regulation of the land and naval Forces," id., cl. 14. Moreover, Congress is delegated the power "[t]o make all laws which shall be necessary and proper for carrying into Execution the[se] foregoing Powers" as well as also "all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." Id., cl. 18. Further, the Constitution is quite explicit that "[n]o Money shall be drawn from the Treasury, but in consequence of Appropriations made by Law." Id., § 9, cl. 7.

Delegations to the President are briefer and contain both powers and duties. He is invested with the "executive Power," Article II, § 1, cl. 1, and is made "Commander in Chief of the Army and Navy of the United States," id., § 2, cl. 1, empowered, "by and with the Advice and Consent of the Senate, to make Treaties," and to "nominate, and by and with the Advice and Consent of the Senate, . . . appoint Ambassadors, other public Ministers and Consuls, . . . and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law," id., cl. 2, authorized "from time to time [to] give to the Congress Information on the State of the Union, and [to] recommend to their Consideration such Measures as he shall judge necessary and expedient," to "receive Ambassadors and other public Ministers," and to "take Care that the Laws be faithfully executed." Id., § 3.

It is evident, therefore, that Congress and President share under the Constitution in the promulgation of policies respecting our foreign affairs. That there are some powers the President alone has is generally conceded. What they are and where the line lies between presidential and congressional concurrent powers are bedeviling questions. Answers to these questions have seldom come from the courts, inasmuch as many, but certainly not all, of the issues arising in the foreign affairs contexts are not justiciable. Answers more generally have arisen from practice and as with most such resolutions they have not been permanent but shifting, depending on the balances existing at the time between Congress and President.[1]

Turning, then, to the DOJ letter, it is evident that the basis for the positions taken is largely the view of presidential power derived from *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936), certain sources relied on in that case, and subsequent judicial citations of it. A review of these precedents will, we think, afford a more firmly-based standard under which to analyze the bill.

Curtiss-Wright has a long and respectable pedigree. Its view of the powers of the two branches was reheared in the debate between Hamilton and Madison over President Washington's neutrality proclamation during the war between Great Britain and France, the "Pacifus"—"Helvidius" essays.[2] Justice Sutherland in *Curtiss-Wright* combined the Hamiltonian emphasis that control of foreign relations is exclusively an executive function with a position developed by himself in extrajudicial writings, that the power of the National Government is not one of enumerated but of inherent powers, to mark out presidential power. The case itself involved not a challenge to the power of the President to act alone but rather to his authority to act pursuant to a statutory delegation from Congress. Concerned with the outside arming of the belligerents in war between Paraquay and Bolivia, Congress authorized the President to proclaim an arms embargo if he found that such action might contribute to a peaceful resolution of the dispute. President Roosevelt issued a finding and proclamation, and Curtiss-Wright and associate companies were indicted criminally for violating the embargo. Their defense was that Congress had failed adequately to elaborate standards to guide the President's exercise of the power thus delegated, a constitutional problem under *Panama Refining Co.* v. *Ryan*, 293 U.S. 388 (1935), and *Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935).

Without an overly-long presentation of the theory set out in *Curtiss-Wright*, it should suffice to say that the Court denied that the limitations on delegation in the domestic field were at all relevant in foreign affairs. Justice Sutherland wrote that of the two broad classes of power possessed by the National Government, only domestic powers were carved out by the Constitution from the general mass of legislative powers possessed by the States and conferred on the Federal Government. Powers over foreign relations, international powers, were never possessed by the States severally and thus could not have been delegated to the National Government. When the colonies rebelled and severed relations with Great Britain, the powers over foreign relations lodged in that Nation did not descend to the colonies severally but to the colonies in their collective and corporate capacity as the United States of America.

"It results that the investment of the federal government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties if they had never been mentioned in the Constitution, would have been vested in the federal government as necessary concomitants of nationality . . . . Not only . . . . is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of power is significantly limited. In this vast external realm with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation . . . ." Id., 318, 319

It was in connection with this last point that the Court, as does the DOJ letter, cited John Marshall, a Member of Congress from Virginia, as stating in 1800, that "[t]he President is the sole organ of the nation in

[1] See, e.g. E. CORWIN, THE PRESIDENT—OFFICE and POWERS, 1797-1984 (5th rev. ed. 1984). 214-223.

[2] The essays are summarized and quoted in the THE CONSTITUTION of the UNITED STATES of AMERICA—ANALYSIS and INTERPRETATION, S. Doc. 99-16 (1987), 446-447 (hereinafter CONSTITUTION ANNOTATED). See also CORWIN, op. cit., n. 1, 208-211.

its external relations, and its sole representative with foreign nations." Id., 319 (quoting 10 ANNALS of CONGRESS 613). Continued the Court: "It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, *plenary and exclusive* power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution." Id., 319-320 (emphasis supplied).

Scholarly criticism of Justice Sutherland's reasoning has demonstrated that his essential postulate, the passing of sovereignty in external affairs directly from the British Crown to the colonies as a collective unit, is in error.[3] This is not to say, of course, that the opinion does not remain strong precedent for the point of view for which the DOJ letter cites it.[4] In subsequent opinions, both dicta and holdings controvert its principal conclusions, e.g., *Ex parte Quirin*, 317 U.S. 1, 25 (1942); *Reid v. Covert*, 354 U.S. 1, 5-6 (1957)(plurality opinion); *Kent v. Dulles*, 357 U.S. 116, 129 (1958), and the Steel Seizure Case, although involving domestic industry the presidential action arose during and because of the Korean War, established a paradigmatic mode of analysis of claims of presidential powers at odds with *Curtis-Wright. Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). More recently, the Court, in the context of statutory interpretation rather than challenges to statutory controls on the President, has adverted to and utilized *Curtis-Wright* in ways that enlarged presidential discretion. See *Haig v. Agee*, 453 U.S. 280, 291, 293-294 & n. 24, 307-308 (1981); but see *Dames & Moore v. Regan*, 453 U.S. 654, 659-662, 678 (1981)(utilizing both *Curtiss-Wright* and *Youngstown*, with result through statutory construction again enlarging presidential discretion). Compare *Webster v. Doe*, 108 S.Ct. 2047 (1988)(construing National Security Act as not precluding judicial review of constitutional challenge to CIA Director's dismissal of employee, over dissents relying in part on *Curtiss-Wright* as interpretive forces counseling denial of judicial review).

In addition, without discussing the cases, it may be noted that the recent separation-of-powers controversies have involved two lines of analysis, one involving an emphasis upon the exclusivity of presidential powers and rigid divisions among the branches, e.g., *INS v. Chadha*, 462 U.S. 919 (1983); *Bowsher v. Synar*, 478 U.S. 714 (1986), and the other, apparently now ascendant, emphasizing blending and balancing to protect only core powers. E.g., *Morrison v. Olson*, 108 S.Ct. 2597 (1988); *Mistretta v. United States*, 109 S.Ct. 647 (1989). But see *Granfinanciera, S.A. v. Nordberg*, 87-1716 (June 23, 1989) (apparently recurring in Seventh Amendment jury-trial analysis to exclusivity/formalistic approach of *Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982) (plurality opinion)). These cases are relevant, but their treatment would carry us too far astray from the principal issue.

We may assume, therefore, that the *Curtiss-Wright* analysis is viable and is one precedent with which to evaluate the provisions of S. 1160. But it is hardly the only precedent, and its meaning when it is used to challenge the validity of an act of Congress is not as evident as might be first thought. It was, as we noted, a case involving the validity of a law, not one involving an action of the President in the absence of a statute or even in contravention of a statute. Although many have argued that the language of *Curtiss-Wright* most often cited by proponents of presidential exclusivity in foreign relations is dicta, it does not appear to be that, but to have been necessary to Justice Sutherland's analysis in choosing to disregard the then-current limitations on the delegation doctrine. Whatever the status of the language, it is important to note that three is practice and case law contrary to the principles set out in *Curtiss-Wright*, and it is to that we turn now.

We must first consider the language quoted from Representative John Marshall, the President as "sole organ of the nation in its external relations." Contrary to what one might think from its citation in *Curtiss-Wright* and in the DOJ letter, Marshall's statement in context is supportive of *congressional* power. In 1799, President Adams, in order to execute the extradition provisions of the Jay Treaty, issued a warrant for the arrest of one Robbins, and the action was challenged in Congress on the ground that no statutory authority existed by which the President could act. It was in defense of the President's conduct that Marshall uttered his now-famous line. But Marshall was making a point about the President as sole representative of the Nation abroad, not asserting the exclusivity of his powers, as is evident from his continued remarks.

"Of consequence, the demand of a foreign nation can only be made on him.

"He possesses the whole Executive power. He holds and directs the force of the nation. Of consequence, any act to be performed by the force of the nation is to be performed through him.

"He is charged to execute the laws. A treaty is declared to be law. He must then execute a treaty, where he, and he alone, possesses the means of executing it.

"The treaty, which is a law, enjoins the performance of a particular object. The person who is to perform this object is marked out by the Constitution, since the person is named who conducts the foreign intercourse, and is to take care that the laws be faithfully executed. The means by which it is to be performed, the force of the nation, are in the hands of this person. Ought not this person to perform the object, although the particular mode of using the means has not been described? *Congress, unquestionably, may prescribe the mode, and Congress may devolve on others the whole execution of the contract;* but, till this be done, it seems the duty of the Executive department to execute the contract by any means it possesses." 10 ANNALS OF CONGRESS 613-614 (1800) (italics supplied).

Thus, Marshall was endorsing not the power of the President to make and carry out foreign policy all alone. The President is the Nation's representative in dealing with foreign nations.[5] But the treaty, as a self-executing treaty, was the law of the land, under the supremacy clause, and determined what the President was to say and do as the Nation's representative in this particular context. True it was that the President and the Senate had made the treaty, but Marshall declared that Congress could enact a statute which would prescribe how the President was to carry out his representations to the foreign nation. In fact, in 1848, Congress did enact such a statute, and in *Fong Yue Ting v. United States*, 149 U.S. 698, 714 (1893), the Court expressly endorsed Marshall's view, including the power of Congress.

Representative Marshall soon became Chief Justice Marshall, and in *Little v. Barreme*, 2 Cr. (6 U.S.) 170 (1804), he had another occasion to recognize congressional power in the foreign affairs area and to deny the exclusivity of presidential power. There, in the midst of an undeclared war between the United States and France, a United States vessel under orders from the President had seized a United States merchant ship bound *from* a French port, allegedly carrying contraband material. Congress had, however, enacted a law which provided only for seizure of such vessels bound *to* French ports. 1 Stat. 613 (1799). Upholding an award of damages to the ship's owners for wrongful seizure, the Chief Justice said:

"It is by no means clear that the president of the United States whose high duty it is to 'take care that the laws be faithfully executed,' and who is commander in chief of the armies and navies of the United States, might not, without any special authority for that purpose in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that [an act of Congress] gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound or sailing to a French port, the legislature seems to have prescribed that the manner in which this law shall be carried into execution, was to exclude a seizure of any vessel not bound to a French port." Id., 2 Cr., 177-178.

Thus, the Court held, the President's instructions exceeded the authority granted by Congress. Whatever might have been the result in the absence of legislation, in the

[3] Patterson, *In re United States v. Curtiss-Wright Corp.*, 22 TEX. L. REV. 286, 445 (1944); Levitan, *The Foreign Relations Power: An Analysis of Mr. Justice Sutherland's Theory*, 55 YALE L. J. 467 (1946); Berger, *The Presidential Monopoly of Foreign Relations*, 71 MICH. L. REV. 1, 26-33 (1972); Lofgren, *United States v. Curtiss-Wright Export Corporation; An Historical Reassessment*, 83 YALE L. J. 1 (1973), reprinted in C. LOFGRENN, "GOVERNMENT FROM REFLECTION and CHOICE"—CONSTITUTIONAL ESSAYS on WAR, FOREIGN RELATIONS, and FEDERALISM (1986), 167.

[4] That the opinion "remains authoritative doctrine" is stated in L. HENKIN, FOREIGN AFFAIRS and the CONSTITUTION (1972), 25-26. It is utilized as an interpretive precedent in AMERICAN LAW INSTITUTE, RESTATEMENT (THIRD) of the LAW, THE FOREIGN RELATIONS LAW of the UNITED STATES (1987), see, e.g., §§ 1, 204, 339. It will be noted, however, that the Restatement is circumspect about the reach of the opinion in controversies between presidential and congressional powers.

[5] The meaning, therefore, of Marshall's phrase was caught in a more accurate but less metaphorically potent expression in the words of the Senate Foreign Relations Committee in an 1897 report. "The executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties." CORWIN, op cit., n. 1, 219. Or there are the words of the Foreign Relations Committee in 1816, in a passage quoted in *Curtiss-Wright*, supra, 299 U.S., 319: "The President is the constitutional representative of the United States with regard to foreign nations." One can then discuss in what respects the President may act in effectuation of his exclusive powers and in what respects Congress may lay down rules, but the President's role as sole representative does not take us very far.

presence of legislation the President must adhere to it. This result, in the context of not only foreign relations but the President's military powers as well, speaks clearly to shared presidential-congressional powers in foreign relations. Additionally, the distinction Marshall drew is reflected in the most plausible view of the doctrine enunciated by the Court in the Steel Seizure Case.

It will be recalled that during the Korean War, President Truman issued an executive order directing the Secretary of Commerce to seize and operate most of the steel industry of the country, in order to avert a nationwide strike which he believed would jeopardize the national defense. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the Court, six-to-three, invalidated the seizure. The opinion of the Court, by Justice Black, based the result upon the absence of congressional authorization. Id., 585-589. But a majority of Justices did not accept his view, the dissenters, of course, but at least four of the Justices agreeing with the result of the case. Their concurrence was based on the fact that Congress debated the issue previously and had refused to authorize seizure, had withheld the power the President now asserted. Id., 597, 602 (Justice Frankfurter), 635-640 (Justice Jackson), 657 (Justice Burton), 662-663 (Justice Clark). Justice Jackson attempted a schematic representation of presidential powers which "are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Id. 635. This influential formulation is tripartite.

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. . . .

"2. When the President acts in absense of either a congressional grant of denial of authority, he can rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. . . .

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system." Id., 635-638.

To be sure, this schema is the formulation of one Justice, but as then-Justice Rehnquist, himself Justice Jackson's law clerk the term *Youngstown* was decided, wrote for the Court in *Dames & Moore v. Regan*, 453 U.S. 654, 661-662, 668-669 (1981), "both parties agree[d]" that the concurring opinion "brings together as much combination of analysis and common sense as there is in this area," and further, quoting the passages at length, "we have in the past found and do today find Justice Jackson's classification of executive actions into three general categories analytically useful[.]"

Thus, the analysis to follow in assessing the validity of the contested provisions of S. 1160 is not alone the language of *Curtiss-Wright* but the application of many precedents and an assessment of the powers conferred on the two branches by the Constitution.

In passing, because the DOJ letter does advert to the political question doctrine, it does not appear that any of the controversies that would be raised by passage into law of these challenged provisions could not be heard by the courts. Although there is language in cases asserting that all questions touching on foreign affairs and foreign policy are political, e.g., *Oetjen v. Central Leather Co.*, 246 U.S. 297, 302 (1918), the Court is plain that it is "error to suppose that every case or controversy which touches foreign relations lies beyond judicial cognizance," *Baker v. Carr*, 369 U.S. 186, 211 (1969). As the Court has quite recently explained, "[t]he political question doctrine excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch. . . . [H]owever, the courts have the authority to construe treaties and executive agreements, and it goes without saying that interpreting congressional legislation is a recurring and accepted task for the federal courts. . . . We are cognizant of the interplay between these [congressional] Amendments and the conduct of this Nation's foreign relations, and we recognize the premier role which both Congress and the Executive play in this field. But under the Constitution, one of the Judiciary's characteristic roles is to interpret statutes, and we cannot shirk this responsibility merely because our decision may have significant political overtones." *Japan Whaling Assn. v. American Cetacean Society*, 478 U.S. 221, 230 (1986). Cf. *United States v. Stuart*, 109 S.Ct. 1183 (1989); *Chan v. Korean Air Lines*, 109 S.Ct. 1676 (1989).

With respect to §§ 111 and 112, it is insisted by the DOJ letter that to bar solicitation of funds from a foreign country or a foreign person to further any activity for which United States funds are prohibited or restricted or to bar assistance to another country conditioned on that country furthering an activity for which United States funds are prohibited or limited would be to impair the President's ability to communicate anything he desires to another country. No doubt, the limitations have that effect, but whether it is permissible to limit the President is the question.

The numbers of provisions of law which have restricted or which do now restrict what the President may communicate with a foreign nation are numerous. For example, there is 22 U.S.C. § 262, which has been on the books since 1913. "The Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so." The President has often been delegated authority, usually restricted in some measure, to negotiate reciprocal tariff and other trade barrier reductions with foreign countries, and these laws limit what he may communicate to these foreign nations.[6] The provision of foreign assistance has been conditioned on numerous factors, such as the protection of human rights, eradication of the narcotics trade, protection of the property of United States nationals, and the like, which either limits or structures what the President can communicate to a foreign power.[7] And beginning in 1794, 1 Stat. 372, Congress authorized, with varying limits and qualifications, the President to put into place embargoes, and the same year passed the first of many neutrality acts. 1 Stat. 381.

If Congress can validly limit the use of United States funds for certain purposes,[8] can it not prevent the evasion of that limit through the means interdicted in §§ 111 and 112? The necessary and proper clause empowers Congress to carry out its legislative powers by selecting any means reasonably adapted to effectuate those powers. It also empowers Congress to legislate to exercise the same powers with respect to the authority granted other agencies and officers. Proper in the context of the clause means within the letter and spirit of the Constitution, and necessary refers to the utility and convenience to Congress of a particular approach. *McCulloch v. Maryland*, 4 Wheat. (17 U.S.) 316, 413-415, 420 (1819). If, as the *Little v. Barrme* Court held, Congress could deny the President authority to seize ships bound from a French port and limit him to seizures of ships bound to such a port, is there any reason to think Congress could not prevent evasion of its statutory mandate through such limitations as are contained in the bill? Especially with respect to § 112, when what is involved is either federal funds, which cannot be drawn from the Treasury but pursuant to appropriations by law, Article I, § 9, cl. 7, or federal property, as to which Congress has the power to dispose of and make regulations with respect to, Article IV, § 3, cl. 2, and which the extensive regulation of the President's authority to make arms sales evidences Congress' power, denying the executive branch authority to confer remuneration on a foreign power in exchange for that power's performance of some act denied the United States Government hardly seems to invade what Justice Jackson's scheme tells us is the hardest reserve of presidential power to defend.

In § 133 of the bill, the President is directed to terminate the agreement between the United States and the Soviet Union with respect to the use of land in the respective capitals of the two Nations for diplomatic facilities, unless he certifies that the threat to national security of the Soviet use of the Mount Alto site is not significantly greater than their use of present facilities. The President may under certain circumstances waive the requirement. The DOJ letter states: "Even if Congress may terminate the domestic effect of a treaty by subsequent legislation, we believe only the President has the authority actually to terminate a treaty or executive agreement with another country." P. 4. The letter cites the RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW, supra, n. 4, § 339, for the proposition. The RESTATEMENT sets forth the standard and accepted interpretation of the allocation of power. But, of course, the section does not purport to alter that interpretation. The President would terminate the agreement, not someone else. The real issue is whether Congress may direct him to carry out this function.

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[6] See, e.g., Koh, *Congressional Controls on Presidential Trade Policymaking after I.N.S. v. Chadha*, 18 N. Y. U. J. Intl. L. & Pol. 1191 (1986).

[7] See, e.g., Meyer, *Congressional Control of Foreign assistance*, 13 Y. J. Intl. L. 69 (1988).

[8] It is, of course, evident, that Congress can violate the Constitution through some conditioning of or limits on federal spending. E.g., *United States v. Lovett*, 328 U.S. 303 (1946); *United States v. Will*, 449 U.S. 200 (1980). But we are not at this point concerned with the validity of the underlying limit.

The DOJ letter, it will be noticed, acknowledges, backhandedly to be sure ("Even of Congress . . ."), the settled rule that Congress by a later enacted statute may supersede a treaty and other agreements and that a later treaty and at least some other agreements may supersede a statute.[9] And as the RESTATEMENT states: "If Congress enacts legislation that makes it impossible for the United States to carry out its obligations under an international agreement, . . . the President normally should take steps to terminate the agreement." Id., Comment. In fact, the first case of outright abrogation of a treaty by the United States occurred in 1798, when Congress by law pronounced the United States freed and exonerated from the stipulations of the Treaties of 1778 with France. 1 Stat. 578. This action was followed two days later by one authorizing limited hostilities against France, 1 Stat. 578-580, and in *Bas v. Tingy*, 4 Dall. (4 U.S.) 37 (1800), the Supreme Court treated the act of abrogation as simply one of a bundle of acts declaring "public war" upon the French Republic.

If it is the case that Congress can trigger the obligation to notify by enacting legislation inconsistent with the treaty's obligation (and why does the DOJ letter limit the issue to "domestic effect," inasmuch as legislation in the international area could create a conflict, as in e.g., the case of the War Powers Resolution), is the only problem here that the section directs the President to terminate?

Professor Corwin notes that Presidents have not followed a consistent line. "For example, section 34 of the Jones Merchant Marine Act of 1920 'authorized and directed' the President within ninety days to give notice to the other parties to certain treaties, which the act infracted, of the termination thereof. President Wilson refused to comply, asserting that he 'did not deem the direction contained in section 34 . . . an exercise of any constitutional power possessed by Congress.' . . . Yet had Congress contended itself with enacting the material portions of the statute it would unquestionable have become the President's constitutional duty to enforce these, regardless of their operation of existing treaties, and at least it would have been only common sense and common courtesy on his part, as the national organ of foreign relations, to have given the other parties to the treaties advance notice. In fact, Mr. Wilson did so proceed in 1915 in connection with the La Follette Act—despite the fact that act 'requested and directed' him to do so."[10]

It thus appears that other Presidents have complied with similar directions. The critical difference, in the point of view of the President, may be that Congress this time would not be enacting legislation in conflict with the treaty. Because Congress does have plenary power over the District of Columbia, Article I, § 8, cl. 17, it could flatly legislate to deny the Soviet Government the Mount Alto site. Instead, the section leaves the President, in choosing to act or not, two ways not to deny the site. Whether the flexibility be only an instrument of policy or whether it has some effect on the constitutional question may be a nice issue.[11]

Respecting §§ 611 and 622, which the DOJ letter objects to because they appear to require some negotiations with certain foreign powers and to require that some issues be included in negotiations, earlier comments in this memorandum with regard to past statutory provisions affecting presidential discretion are relevant. Additionally, these provisions of S. 1160 appear to be relatively minor compared to other provisions to which recent Administrations have acceded. E.g., § 722 of the International Security and Development Cooperation Act of 1985, P.L. 99-83, 99 Stat. 190, 249-259.

Under § 804, there are several reporting requirements imposed on the Secretary of State with respect to diplomatic contacts with the PLO. In light of the much more restrictive enactments regarding the PLO that Congress has passed, e.g., § 529 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1989, P.L. 100-461, 102 Stat. 2268-27 (prohibition of negotiations); Title X of Foreign Relations Authorization Act of 1988 and 1989, P.L. 100-204, 101 Stat. 1331, 1406-1407 (PLO a terrorist organization, including ban on maintenance of offices in United States), and see *Palestine Information Office v. Shultz*, 674 F.Supp. 910 (D.D.C. 1987) (sustaining Secretary of State's closure of PLO office in Washington), it is difficult to see how reporting requirments, which serve the information gathering function of Congress, could raise significant constitutional issues. That Congress' power of acquiring information is broad and that the President may resist formal inquiries and reporting requirements only through the assertion of constitutional privileges are evident principles. E.g., *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977). The DOJ letter asserts that "ongoing disclosure of sensitive negotiations" may be impermissibly required. Id., p. 5. That perhaps might be the case in some circumstances, but it appears clear that it would not invariably be true, so that what legal precedents there are hardly suggests a facial flaw with this provision. Rather, the better course would seem to be a claim of privilege selectively applied by the President as the occasion arises.

The DOJ letter objects to § 210, providing for an advisory commission to study USIA administration of its programs and to report to both Congress and the President, for a melange of policy and constitutional reasons. Of those that concern us here, the constitutional objections, the letter appears to suggest that a separation of powers issue is key, an intermixture of executive and legislative functions. It is difficult to see, in general, where the problem lies. The commission is to *study* and to *report*. It is directed to formulate and recommend to the Director (of USIA), to the Secretary of State, and to the President policies and programs to carry out the functions of the USIA, but there is nothing in the provision that obligates any of these persons even to read the recommendations, much less to do anything about implementing them. In the reports to be made, the Commission is directed to include information on the recommendations it has made to the Director and the action taken to carry out the recommendations. Commission communications to the President and to the Secretary of State are not similarly to be reported. That the informing and reporting functions are confided to one branch to the exclusion of the others is a proposition that cannot be maintained. *Buckley* v. *Valeo*, 424 U.S. 1, 137-138 (1976). The DOJ letter suggests that "the separation of powers requires that each branch maintain its separate identity." As a structural matter, how the commission obscures the identity of either branch it reports to is unexplained.

Concern with respect to the Commission's mission to assess and to report about the internal operations of the executive branch are more focussed. But the extent to which the requirements actually have any substantial impact is not discussed. The letter complains that the report to Congress about the recommendations to the Director and his actions in response would inform Congress "about deliberations within the executive branch." All that the section requires to be reported are what recommendations the Commission makes to the Director and what he did or did not do to implement them. Nothing is said about deliberations. No internal discussions need be reported. Two public actions—what the Commission recommended, what the Director did—are to be reported to Congress. As the letter concedes, "much of the information," in what respect some of the information sought might not be obtainable it does not say, could be gotten from USIA itself. Why the fact that it comes from the commission changes its character is not clear. That the commission may be required to "assess" the effectiveness of various programs and to report to Congress on its evaluations hardly distinguishes it from, for example, the General Accounting Office.

Further, the letter states that the President, "as head of the unitary executive branch," has the power to see to it that the executive branch speaks with one voice to Congress. Of course, the President has "the general administrative control of those executing the laws." Myers v. United States, 272 U.S. 52, 163-164 (1926). And, of course, superiors may well have authority to limit the power of a subordinate to communicate with Congress. E.g., Congress Constr. Corp. v. United States, 314 F.2d 527, 530-532 (Ct.Cl. 1963) (finding authority in the statutory structure of the Navy and Defense Department). It is equally clear that Congress has the power to impose on officers and employees subordinate to the President a stat-

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[9] See RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW, supra, n. 4, § 115; CONSTITUTION ANNOTATED, supra, n. 2, 496-509.

[10] E. CORWIN, op. cit., n. 1, 220-221. The first instance of presidential termination by notice pursuant to congressional action appears to have occurred in 1846, when by joint resolution Congress authorized by the President at his discretion to notify Great Britain of the aborgation of a convention on the joint occupation of the Oregon Territory. The President complied, but he had in fact initially requested the resolution, creating an interpretive debate about the meaning of the incident. S. CRANDALL, TREATIES, THEIR MAKING AND ENFORCEMENT (1916), 458-459. With or without an initial request, Presidents usually, but not invariably, carried out congressional resolutions. Id., 459-462. For a brief discussion of the historical practice, which has encompassed presidential action alone, President-and-Senate, and Congress, see CONSTITUTION ANNOTATED, op. cit., n. 2, 514-518.

[11] It should be noted that the DOJ letter cites *Goldwater* v. *Carter*, 617 F.2d 697, 706-707 (D.C. Cir.), *vacated and remanded on other grounds*, 444 U.S. 996 (1979), as authority for its proposition that the President has sole authority to terminate. The issue in *Goldwater* was, of course, the President's authority to renounce without involving the Senate, an issue which, as has been noted, supra, n. 10, has been decided variously in practice over the years by the President alone, by the President-and-Senate, by Congress. A question occurs, however, with regard to the citation, for authority's purpose, when the letter, at p. 3 cites Justice Rehnquist's opinion for a plurality of the Supreme Court, seeking to give political question status to the issue and denying the Court of Appeals' authority to resolve it. Id., 444 U.S., 1003. See supra, p. 9.

utory obligation and to direct its performance even over the President's objections. Kendall v. United States ex rel. Stokes. 12 Pet. (37 U.S.) 524 (1838). "[I]t would be an alarming doctrine, that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President." Id., 610. In short, the Court recognized the underlying question of the case to be whether the President's duty to "take Care that the Laws be faithfully executed" made it constitutionally impossible for Congress ever to entrust the construction and implementation of its laws to anybody but the President, and it answered the question in the negative.

Without dealing with the implications of "the unitary executive branch," it should be sufficient for us to note, again, that this commission is advisory, its appointment is not subject to the appointments clause, Article II, § 2, cl. 2, although Congress has provided an identical appointment process, and it reports to both Congress and the President. The lesson of *Morrison v. Olson*, 108 S.Ct. 2597 (1988), wherein was sustained the power of Congress, in appropriate circumstances, to shield an officer performing an executive function, investigation and prosecution of criminal offenses, from plenary presidential control, as well as to authorize the independent counsel to make certain reports to Congress, is that, as the DOJ letter acknowledges, the branches are not "hermetically" sealed off from each other.

In conclusion, rather than follow the *Curtiss-Wright* analysis of exclusive and plenary presidential power, the appropriate analysis, based on the practice of government and on the case law, but even more important, based on the text of the Constitution, is one of concurrent presidential-congressional powers, with interaction and checking of each other. No doubt, there are exclusive powers possessed by the President in the area of foreign affairs. But one must determine on the basis of constitutionally assigned functions what those powers are and what their limits are. Congress is delegated in Article I substantial legislative powers that may be used to structure and to guide the President in the conduct of foreign policy. The instruction to be gleaned from the cases running from *Little v. Barreme* to *Youngstown* and beyond is that a diligent examination of the textual powers delegated to the two branches, informed by the evidence of practice, is required to evaluate claims arising from attempts to exercise the great powers of government.

In that regard, without attempting to be definitive or final in an area in which shifting balances are common, it can be said that the challenged sections appear to be grounded in textual commitments of power to Congress, as well as to be prefigured in some past practices, and that Justice Jackson's analysis in Youngstown would require a strong showing that any exclusive powers of the President have been invaded. This is not to say that such a showing cannot be made as to particular provisions, especially in the context of particularized factual situations, but it is to question whether the effort has yet been made.

JOHNNY H. KILLIAN,
Senior Specialist, American Constitutional Law.

Mr. MOYNIHAN. Mr. President, I wish to say that with repect to the Department of State's disappointing letter, I expected it. It is on the edge of being boilerplate whenever these things come along. I wish to say they do not protect their President this way. The Department of State must know the agonies the department went through as it was learned, among other things, that its elemental duties were subverted and bypassed and suborned. The Department of State should want this legislation. The American Foreign Service Association asks for this legislation.

Mr. President, let us recall those events in 1984 that we recounted in the White House meeting transcript to the Senate earlier, the memorandum of a White House meeting I cited earlier. The then-Secretary of State said: "We cannot do this. I am told by Jim Baker," now Secretary of State, then chief of staff, "that it is impeachable."

Moreover I must, with great respect, take a different view from my friend from North Carolina regarding impeachment. Impeachment is surely not the only sanction the Congress has. That is the equivalent of a firing squad.

Impeachment? My goodness. I suppose only once in our history has there been an impeachment trial. Of course, President Johnson was not, in the end, impeached.

In two centuries we have never removed a President in that manner, and I hope we never will. Because it should never become necessary. And it is this kind of provision which can avoid situations in which impeachment becomes something discussed in the Oval Office or the Situation Room—wherever that meeting took place in June 1984.

For the Acting Secretary of State who knew what happened in those events to write us this way is disappointing, although I certainly would want to record my complete respect for the Acting Secretary. I know he acted and spoke in good faith. But he might have made clear that nothing in this measure has anything to do with prohibitions now in statute or previously in statute and expired, as are almost all the Central American ones. None. This legislation applies only to prohibitions enacted in the future.

The gallant and learned Presiding Officer, Senator GLENN, a hero of the U.S. Marine Corps, ought to be able to speak to the value of having such legislation. I speak only with the caution that a very junior naval ensign might bring to the matter, although I rose to the position of lieutenant, junior grade, after 20 years in the Reserves. Military law specifically requires that officers and men not obey an illegal command. An illegal command is not to be obeyed. And that is there to protect the men of the force, be it Marine Corps or the Navy.

And also to protect not just the people below the source of command, but the people above it. There may be commands that are illegal and ought not be obeyed; the system is protected from what can be erratic, mistaken, emotional judgments.

We do not ever want those days to come again where a Secretary of State is sitting at the White House and saying to the President, "Mr. President, your Chief of Staff has told me that if we go ahead with this, you could be impeached, sir," and have other people say, well, what is impeachment between friends? My heaven, that puts in jeopardy the most important elective office on Earth. It puts the American Presidency in jeopardy. None serve that Presidency well who would wish to see the clear commands of the Congress avoided, and who would resist an effort to make clear that if this were done, it would be done at a cost. Not horrendous, not irreversible, but at a cost. That was absent in the mid-1980's. I think that absence of such a cost, put the Presidency of the United States in harm's way.

We survived that experience only just, Mr. President, only just. I can recall having to go on the radio noonday on Saturday of Thanksgiving weekend of 1986, to respond to the President's then regular Saturday 5-minute broadcast. I said, "Mr. President, I've listened to you, sir. I do not think you understand how serious things are here in Washington. You are in California. I would beseech you, Mr. President, listen to me. Your Presidency, sir, is tottering."

Seventy-two hours later the President came into the press room of the White House and ordered the Attorney General to (and I paraphrase) "find out what is going on in my own building."

Mr. President, as the Congressional Research Service states, the Congress has the clear power to require that powers delegated to the President by the Congress must comply with Congress' terms. Nothing more, nothing less. It is called the rule of law. It does not in any way obviate or impair discussions, negotiation or agreements, save in those very rare and very visible and never to be mistaken situations where Congress has said, "No, you may not do that, Mr. President, nor may persons to whom you have delegated powers of your office." This is a clear response to the intramixture of powers in foreign affairs to which Hamilton wrote 202 years ago.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the submission of S. Res. 154 are located in today's RECORD under "Submission of Senate and concurrent resolutions.")

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. The time is equally divided, and I suggest that there does not appear to be a Senator wishing to speak at this moment. I, therefore, 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. MOYNIHAN. 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. MOYNIHAN. Mr. President, I would like to take the opportunity to elaborate on the subject of the power of the President and of the Congress, particularly the Senate, in foreign affairs.

In the Federalist Paper No. 75, Hamilton discusses the Presidential power to make treaties by and with advice consent of the Senate, provided two-thirds of the Senate is present and concurs.

Later in that very powerful presentation, Hamilton says of foreign policy, "It must indeed be clear to a demonstration that the joint possession of power in question by the President and the Senate would afford a greater prospect of security than the separate possession of it by either of them." That is the spirit of our Constitution. He made the point that some people say that treaties being law or of a legislative nature should only be the responsibility of the Senate. Then he was quick to say that 26 persons cannot negotiate; 1 person negotiates—hence, Executive power. Executive power also carries out the treaty. So there is an intermixture, there is a joint power.

It is bewildering, if I can say, the number of times one hears the Curtiss-Wright case invoked as an example of unlimited power by the President in foreign affairs. On the contrary, Mr. President. In that case the court was dealing with the action by President Roosevelt carrying out what in effect was a neutrality act in a war in Central America. Congress declared itself neutral as between the parties. I am not sure a present day President would sign such a statute. He might say, "That is interfering with my affairs." President Roosevelt signed it, and he was carrying it out and perforce he did so on his own, but he did so on his own having been instructed by the Congress to so do. That is what we have in that statute.

All the authorities on the Constitution agree with Hamilton and agree with Jay, not the least because they can read of the Constitution and know our history.

The great comment on Curtiss-Wright, which was handed down in 1936, was made by Edward S. Corwin. Professor Corwin wrote a great book on the Constitution and the American Presidency that went to edition after edition (published by the New York University Press) and which addressed the constitutional grants of powers capable of affecting international relations. Mr. Corwin had this to say:

> Where is the Constitution's best authority to determine the course of the United States as a sovereign entity at international law with respect to matters in which other similar entities may choose to take an interest? Many persons are inclined to answer offhand in the President. But they would be hard-put to it if challenged to point out any definite statement to this effect in the Constitution itself.
>
> What the Constitution does and all that it does is to confer on the President certain powers capable of affecting our foreign relations and certain other powers of the same general kind on the Senate and still other such powers on Congress.
>
> But which of these organs shall have the decisive and final voice in determining the course of the American Nation is left for events to resolve.
>
> All of this amounts to saying that the Constitution, considered only for its affirmative grants of power capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy.

An invitation to struggle for the privilege of directing American foreign policy. That is familiar to us. It is called the separation of powers which is at once separated and connected, an intermixture of power, in that nice phrase of Hamilton.

We in the Committee on Foreign Relations believe this is a measure that Presidents need. We think this protects them against persons of excessive zeal or deficient judgment, who would seek to avoid the legitimate exercise of congressional power and responsibility in the field of foreign affairs, all of which makes for grief for the President. Such efforts to evade the laws do not aid him. They do him a disservice and to that extent ought to be discouraged. That is the simple, explicit, direct and hardly vague purpose of this amendment.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

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. BREAUX). Without objection, it is so ordered.

The Senator is recognized.

Mr. PELL. Mr. President, I rise in support of the amendment offered by the senior Senator from New York, Senator MOYNIHAN.

I would note in this regard that one portion of Senator MOYNIHAN's amendment is essentially a reenactment of the Pell amendment that became law, with the support of President Reagan, in 1985. This is the provision that prohibits using foreign aid in a quid pro quo manner to get around prohibitions in U.S. law. I point this out because the administration, in opposing Senator MOYNIHAN's provision, ignores the precedent set by President Reagan in signing into law the provision that I sponsored in 1985.

I would also like to point out that the administration has read more into the scope of Senator MOYNIHAN's amendment than what is clearly intended. The Moynihan amendment is limited to violations of explicit congressional prohibitions. It does not criminalize administration actions that are carried out in areas where Congress has been silent.

Finally, I remind my colleagues that the President will largely control who will be liable to criminal penalties under this proposed legislation. It is, after all, the Attorney General—a member of the President's Cabinet—who would have to institute legal proceeding pursuant to the Moynihan amendment. I cannot imagine that such an action would be instituted by the clearest and most unambiguous violations of or evasions of explicit congressional prohibitions.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. May I inquire of the time situation?

The PRESIDING OFFICER. The Senator controls 47½ minutes; the Senator from Rhode Island controls 29½ minutes.

Mr. HELMS. Mr. President, I want to say to my distinguished friend from Rhode Island that I am prepared to yield back my time if he feels that he can do so.

Mr. PELL. Mr. President, I would be prepared to do so, but after these amendments that we are considering now.

Mr. HELMS. I would say I want to look further at the Taiwan amendment. It looks pretty good, but let us go ahead and do the other two.

Mr. PELL. And we will leave it open on Taiwan. If you do approve that, then I will be yielding back the time. If you do not approve it, then I think we ought to see.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Moynihan amendment be temporarily laid aside.

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

AMENDMENT NO. 275

(Purpose: To require a report regarding a monitoring system for the INF Treaty)

Mr. HELMS. Mr. President, I have an amendment which I believe has been cleared on both sides. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 275.

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

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

The amendment is as follows:

On page 145, after line 22, and the following new section:

SEC. 915. REPORT ON A MONITORING SYSTEM FOR THE INF TREATY.

The Secretary of State is requested to report to the Senate by September 30, 1989, why the United States' Cargoscan x-ray monitoring system for the Intermediate-Range Nuclear Forces Treaty was not installed at the United States' Votkinsk Portal Monitoring Facility inside the Soviet Union by December 1, 1988, as provided for in the terms of the Treaty, and further, when the Cargoscan system will be operational at Votkinsk.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Report on a monitoring system for the INF Treaty.".

MR. HELMS. Mr. President, the U.S. Cargoscan x-ray machine is already 6 months overdue. It should have been installed in the Soviet Union this past December 1. This amendment merely requests a report on why the Cargoscan is overdue and when the Cargoscan will be installed. As I indicated, there is agreement on both sides on this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 275) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

MR. HELMS. Mr. President, I yield such time as may be required. I ask unanimous consent that the pending Moynihan amendment be laid aside again so that Senator DOLE may offer an amendment.

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

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

AMENDMENT NO. 276

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. MITCHELL, Mr. PELL, and Mr. LUGAR, proposes an amendment numbered 276.

Mr. DOLE. 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 an appropriate place in the Bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Stockholm Document of September 19, 1986, the first East-West security accord in more than ten years, brought into force significant confidence and security-building measures in Europe.

(2) The United States has entered into the Negotiations on Confidence and Security Building Measures with the goal of a more stable and secure Europe.

(3) These negotiations have focused on measures to reduce mistrust and misunderstanding about military capabilities and intentions by increasing openness and predictability in the military environment.

(4) The Congress supports President Bush's efforts to make progress in all areas of arms control and supports his recent initiatives in the area of conventional arms control.

(5) The United States and the Soviet Union signed the Agreement on the Prevention of Incidents on and Over the High Seas on May 25, 1972.

(6) The United States and the Soviet Union signed the Nuclear Risk Reduction Center Agreement on September 15, 1987.

(7) The United States and the Soviet Union signed the Agreement on the Prevention of Dangerous Military Activities on June 12, 1989.

(8) The Congress believes that a direct military-to-military communications link between NATO and the Warsaw Pact could prevent misunderstanding in the event of unpredicted military activities or incidents, such as the recent incident in which a Soviet MiG-23 transitted NATO airspace and crashed in Belgium.

(9) The Congress believes such a direct military to military communications link could complement U.S. efforts in the area of confidence-and security-building measures.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—the President should raise and request that our NATO allies consider the concept of a direct military to military communications link between NATO and the Warsaw Pact at the appropriate NATO forum.

(c) PRESIDENTIAL REPORT.—The President shall submit to Congress not later than December 1, 1989 a report on the technical feasibility, operational characteristics and costs of establishing a direct military-to-military communications link between NATO and the Warsaw Pact.

Mr. DOLE. Mr. President, it is my understanding this amendment has been discussed with the chairman, Senator PELL, and the ranking Republican, Senator HELMS, and they have no objection to the amendment. I would like to give a little background information.

Mr. President, recently, as we all know, a runaway Soviet Mig-23 fighter crashed into a farmhouse in Belgium killing a 19-year-old man. The plane crashed after a 600-mile flight over West Germany, the Netherlands, and Belgium.

None of these countries was given any warning that the plane was heading their way. In fact, it took the Soviets 10 hours to acknowledge the stray fighter.

It seems to me that this type of incident might not have resulted in the loss of a young man's life had there been a direct channel of communication between NATO and the Warsaw Pact. And, let us face it, unexpected events, even if totally unintended, still set off alarms in each side's military forces.

Unfortunately, at present, only the United States and the Soviet Union have such a direct channel of communication—the so-called hotline.

Representatives from the Federal Republic, the Netherlands, and Belgium proposed shortly after the incident that NATO establish an emergency communications link with the Warsaw Pact.

I'm sure this is a possibility that President Bush will want to explore. I'm also sure that all my Senate colleagues would support such an effort. Therefore, the distinguished majority leader, Senator MITCHELL, as well as Senator PELL and Senator LUGAR have joined me in offering an amendment requiring the President to take a hard look at setting up a direct military to military communications link between NATO and the Warsaw Pact.

The President would report to the Congress on the technical feasibility and cost of establishing such a NATO-Warsaw Pact link. In addition to this report, we hope that the President would raise this idea within NATO. NATO is devoting considerable time to arms control, especially with regard to the conventional arms control talks in Vienna.

It seems to me that an emergency military communications link would complement the types of proposals the West is seeking support for in Vienna, especially at the confidence-and security-building measures talks—also known as the CSBM talks.

As you know, the CSBM talks are aimed at increasing the stability and security of Europe. At the CSBM talks the United States and its NATO Allies have proposed measures that would increase openness and predictability in European military affairs.

Increasing predictability and reducing misunderstanding is what this amendment is all about.

On a bilateral level, the United States has reached similar agreements with the Soviet Union. My colleague from the State of Virginia, Senator WARNER, negotiated the agreement on the prevention of incidents on and over the high seas in 1972. Senator WARNER and the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, played a key role in the establishment of the nuclear risk reduction centers in 1987.

As we learned from those experiences, establishing such links requires not only technical effort, but political effort as well. A direct link between NATO and the Warsaw Pact is only as good as the commitment to use it at the right time. This link will not reduce tensions in and of itself, but, if used appropriately, it could reduce the potential for misunderstanding.

We have all seen promising signs of greater openness in Eastern Europe. Now is the time to expand our efforts at better communication between East and West to NATO and the Warsaw Pact. I would hope that in this new era of glasnost, an opportunity to extend such military openness may be seriously considered.

Mr. President, I have explained the amendment. It could be an important first step. I think it would be welcomed by President Bush.

Mr. MITCHELL. Mr. President, the amendment I am pleased to cosponsor with the distinguished Republican leader calls on the President to study the advisability of an additional confidence- and security-building measure in Europe. The measure which this amendment proposes is a direct military-to-military communications link between NATO and the Warsaw Pact.

The possible value of such a link was illustrated in the recent episode when a Soviet military aircraft flew from Poland across NATO territory until it crashed in Belgium. Despite the fact that NATO was aware of the aircraft in sufficient time to track it and to have our own NATO aircraft follow it and establish that the pilot had ejected, no attempt was made to communicate with Warsaw Pact authorities. Indeed, such an attempt was virtually impossible on such short notice.

The military-to-military link which this amendment proposes would provide an existing and established channel for use in such incidents, where unpredicted military events could lead to unfortunate incidents between the two sides.

As the members of NATO and the Warsaw Pact proceed to explore ways to reduce tension and enhance confidence and security in the ongoing negotiations in Vienna, it is my view that it could prove fruitful to explore the possibility and feasibility of a military-to-military communications link such as that proposed in this amendment. I hope the President will explore this concept seriously with our allies and will find that it can be included as part of the set of measures being negotiated in Vienna.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PELL. Mr. President, I think this is an excellent amendment and I am very glad, indeed, to be a cosponsor of it. It is a little bit different than the hotline because the existing United States-Soviet hotline runs through the Defense Department to the White House and is essentially designed for communication between political leaders. My understanding in the past was the reason the Soviets did not want it to go from military to military was they want to keep more of a control on it. The proposed NATO-Warsaw Pact communication link, by contrast, will provide for better communication between military personnel in order to avoid misunderstanding. The fact they are willing to go from military to military in this one is I think a good sign, showing they are more willing to trust the military than they were before. I for one look forward to voting for the amendment.

Mr. DOLE. I thank the distinguished Senator, the chairman of the committee.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment. Is there further debate on the amendment?

The amendment (No. 276) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent to add the distinguished Senator from North Carolina [Mr. HELMS] as a cosponsor of the amendment.

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

Who yields time?

Mr. HELMS. Mr. President, I yield to the distinguished Senator from Wyoming [Mr. SIMPSON] such time as he may require.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, I thank the Chair. I have been listening to the debate with regard to the amendment offered by my friend, the senior Senator from New York, feeling that it indeed is not appropriate. The reasons for my opposition have been very ably outlined by others, including the administration. But I really literally will just take 2 or 3 minutes to express my own reservations.

I guess as we review things here we all wonder how long things last. I think it was a colleague I cannot recall who 10 years ago said, "nothing ever dies around here." I just do not understand what purpose it is to continue to bedevil and beleaguer the Iran-Contra issue. We have spent millions of the taxpayers' bucks on this issue, all to no avail, unless they really want to impeach George Bush now, which seems like not really an appropriate thing to do at all. I would hope we would not seek to impeach George Bush.

Where does all this lead? What is the purpose of it? How long does it go on? It is an extraordinary effort to micromanage the conduct of foreign policy in this country to an extent that is really almost hard to imagine. How long is the exquisite agony of this thing to go forward? I do not understand.

But the amendment goes far beyond even that. It would inhibit the conduct of foreign policy by creating the specter of potential criminal liability for any U.S. Government employee who acts to further a policy for which funding has been denied. Now, think of how many times in the course of our times here, our travail and our work, we deny funding to certain agencies or for some reason to some part of the Government. And that would be done whether that action is made with intent or knowledge to circumvent some congressional prohibition.

I think it is all very well to cut off funding. That is our job. We do that. We are all skilled at that. You are going to cut off funding if they do a number on you. We do that sometimes in a clumsy way. I have done that, cut off funding for programs or policies that we feel to be unwise or not in the best interests of the United States. But I think it is quite another matter, Mr. President, for us to impose criminal liability—and that is the way I read this—or to require a cutoff of funding to a foreign country which might act to support a policy for which Congress has refused funding.

This amendment would also attempt to interfere—I think impermissibly—in the affairs of other countries. If this provision were to become law, as I un-

derstand it, a congressional prohibition on aid to a resistance movement anywhere in the world would become an effort to undermine that support and undercut that support from anywhere in the world, from any source whatsoever.

I cannot believe that we really are contemplating doing this. We would then be giving the signals and telling others they must join us. I cannot imagine anything more patronizing than that. If we deny funding we are saying that other sovereign nations had better shape up and follow us and line up in our camp or we will cut off their funding as well.

I assume that is what that could mean.

I think it is a very bad idea. The President must be able to develop and implement foreign policy. Surely Congress has a role to play, but this is the wrong role on the wrong stage. I cannot possibly imagine what the real purpose of this is. It does not avoid what did happen and what was painful to all of us. It does not prevent it happening again. But it seems to brood upon the issue and go back and try to address something which is just as well left where it is. Anybody will tell you that. If you go up to somebody in a town meeting in Wyoming or another State and talk about Iran-Contra they say "I thought that stuff was over." And it is over. It should be over. It was just an unfortunate and hideous time. The courts have done their work. The people who should pay have paid. The system works.

I see no reason at all to impose this criminal liability which might arise at any time simply when we see a policy going forward where funding has been denied, but yet some action is being taken by someone, or somebody is making a normal diplomatic call. I think that the Government can ill-afford that kind of restraint and constriction.

For that reason, I certainly would not be supportive of the amendment. I can understand from whence it springs, and it springs from a well which may have water in it for the rest of our history. But I do not think we are ever going to do anything much about it unless you wish to impeach a sitting President. There is no other purpose for this continual dogged persistence and obsession as to this unfortunate thing that occurred.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum, and ask that the time be equally divided.

The PRESIDING OFFICER. The clerk will call the roll, and the time will be equally divided.

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. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from GAO dated July 12, 1989.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 1989.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate on S. 1160, the Foreign Relations Authorization Act, Fiscal Year 1990, as ordered reported by the Senate Committee on Foreign Relations on June 8, 1989.

Should the Committee so desire, we would be pleased to provide further details.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1160.

2. Bill title: Foreign Relations Authorization Act, Fiscal Year 1990.

3. Bill status: As ordered reported by the Senate Commmittee on Foreign Relations on June 8, 1989.

4. Bill purpose: The bill authorizes appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the Inter-American Foundation for fiscal year 1990. It also authorizes funds for a new television broadcasting service to Cuba, and funds for ten "model foreign language competence posts" at overseas missions.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated Revenues					
Section 903: Reclassification of revenues as offsetting collections	−0.3	0.0	0.0	0.0	0.0
Direct Spending					
Section 106 (function 150):					
Estimated budget authority	19.2	20.0	20.8	21.7	22.5
Estimated outlays	15.7	18.1	19.8	21.0	21.9
Section 141: CSRS trust fund (function 600):					
Estimated budget authority	−1.1	−1.2	−1.2	−1.3	−1.3
Estimated outlays	16.0	0.0	0.0	0.0	0.0
Undistributed offsetting receipts (function 951):					
Estimated budget authority	1.1	1.2	1.2	1.3	1.3
Estimated outlays	1.1	1.2	1.2	1.3	1.3
Section 146: FSRD fund (function 600):					
Estimated budget authority	0.1	0.1	0.1	0.1	0.1
Estimated outlays	0.2	0.3	0.3	0.3	0.2
Payments to the FSRD fund (function 150):					
Estimated budget authority	0.1	0.1	0.1	0.1	0.1
Estimated outlays	0.1	0.1	0.1	0.1	0.1

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Offsets (function 150):					
Estimated budget authority	−0.1	−0.1	−0.1	−0.1	−0.1
Estimated outlays	−0.1	−0.1	−0.1	−0.1	−0.1
Authorizations of Appropriations					
Function 150:					
Authorized level	4,629.0	0.0	0.0	0.0	0.0
Estimated outlays	3,534.2	699.7	205.4	96.8	13.1
Function 300:					
Authorized level	37.5	0.0	0.0	0.0	0.0
Estimated outlays	32.9	3.9	0.7	0.0	0.0
Net budget impact: Net increase to deficit	3,600.4	723.2	227.4	119.4	36.5

GENERAL

The estimate assumes enactment of this bill and subsequent appropriation of the authorized amounts by September 30, 1989. With a few exceptions, the authorizations are for ongoing programs and the authorized levels are stated in the bill. Outlays for these programs were estimated using historical spendout rates. The net budget impact is estimated outlays minus estimated revenues. The details in the table may not total to the net budget impact due to rounding.

REVENUE PROVISIONS

Section 217 amends the Internal Revenue Code of 1986 to allow non-resident aliens an exemption from paying income taxes on certain educational grants. Under Section 217, grants received from the United States Information agency or the agency for Internaitonal Development would not be counted as gross income and therefore would not be taxable. The Joint Committee on taxation is responsible for estimating the revenue effects of income tax legislation. They have not completed an estimate of Section 217, therefore the revenue impact of this section is not included in the table.

Section 641 prohibits the importation of ivory and other elephant products from countries where elephants are killed illegally and from countries where there is any significant trade in illegally killed elephants. CBO estimates this section will not significantly affect receipts of customs duties or other revenues.

Section 903 reclassifies $250,000 in revenues received by the Office of Munitions Control (OMC) in fiscal year 1990 as offsetting collections. These offsetting collections would be used, subject to appropriations action, by the State Department for expenses associated with the OMC. The net effect of spending the $250,000 is included in the authorization table.

DIRECT SPENDING PROVISIONS

Section 106 authorizes the State Department to transfer certain deobligated funds into their Buying Power Maintenance account. Currently these deobligated funds would lapse because their period of availability has expired. Under Section 106, however, these funds could be reobligated and used to offset losses in the State Department's budget due to exchange rate fluctuations. This provision would therefore reappropriate funds and provide new budget authority to the State Department. Funds deobligated from all Administration of Foreign Affairs accounts except those that are funded by no-year appropriations would be available for this transfer. Currently, the State Department deobligates an average of approximately $19 million per year from the accounts mentioned above. Since these funds would be available for reobligation,

this provision would increase outlays by an estimated $97 million over the projection period.

Section 141 would allow foreign national employees (i.e., citizens of foreign countries who work in United States embassies or consulates) to transfer their credits in the Civil Service Retirement System (CSRS) to a local retirement plan. This section has no net effect on budget authority, but raises outlays by $22 million through fiscal year 1994. The budget impact is spread to two functions of the budget. The one-time transfer of past employee and employer contributions from the Civil Service Retirement and Disability Fund (CSRS Trust Fund) to local plans is expected to result in $16 million in outlays in 1990. In addition, employer contributions to the CSRS Trust Fund—recorded as budget authority—would be reduced by $6.1 million over the projection period. These effects on CSRS are reflected in the budget function 600 estimates. Employer contributions to the local plans would offset the reduction in employer contributions to the CSRS Trust Fund. This offset of budget authority is shown in the budget function 951 portion of the table. The outlays associated with this budget authority represent the impact of the federal payment going to local retirement plans instead of the CSRS Trust Fund.

Section 146 gives certain former spouses of foreign service employees retirement, survivor, and health benefits. The State Department estimates that approximately 20 additional people will be eligible for benefits under this bill. Outlays from the Foreign Service Retirement and Disability (FSRD) Fund are estimated to increase to approximately $.25 million per year before declining due to reductions in the number of beneficiairies. Payments to the fund to amortize the unfunded liability created by the extension of benefits authorized by this section are permanently authorized by section 821 of the Foreign Service Act of 1980. These payments, which are offset within budget function 150, are estimated to require appropriations of about $0.1 million per year for 30 years.

AUTHORIZATIONS

Section 161 requires the Secretary of State to designate ten overseas missions as "model foreign language competence posts", and authorizes such sums as necessary for the funding of these posts. Under the provisions of the bill, all employees permanently assigned to these posts would be required to be competent in the language common to that country. The level of competency required for each position would be determined by the Secretary of State.

The costs associated with this section depend on a number of factors that presently are unknown, including which posts would be designated as model posts, and the level of language competency required for each position. The main costs associated with these model posts would be training costs, such as instructors' salaries. These costs would be higher with larger posts versus smaller posts, and would increase as the level of competency required for employees is increased. The cost of instructors, including personnel and non-personnel costs, is estimated to be approximately $50,000 per year, but is not included in the table because of the uncertainty over the scope of the program.

Section 405 of the bill would prohibit any payment of assessed contributions to the United Nations (UN) or any specialized agency of the UN if the Palestine Liberation Organization (PLO) is admitted as a member to that organization. The budget impact of Section 405 ultimately would depend on the number of organizations granting membership to the PLO. If no such organizations do, this provision would have no budget impact. If the PLO is admitted to all organizations in which the United States lacks the power to veto the admission of new members, however, spending could be lowered by about $200 million per year. No budget impact for Section 405 is included in the table because CBO cannot estimate whether the UN or any of its specialized agencies will admit the PLO.

Section 611 of the bill authorizes the Administrator of the Agency for International Development to provide grants to nongovernmental organizations to purchase discounted commercial debt held by a foreign country. The purchase of the debt by the nongovernmental organization would be contingent upon the country's willingness to undertake conservation projects aimed at improving the environment. Repayment of the debt would be forgiven if the country demonstrates a long-term commitment to the projects.

There is no budgetry impact included in the table for Section 611. The bill does not authorize any funds to pay for new grants, and AID does not expect a large number of agreements with foreign countries to be reached given the difficulty of past negotiations. However, AID currently has several pilot programs in Latin America similar to those authorized by this section.

Under Section 611, nongovernmental organizations would be allowd to retain any interest earned on investments pending their disbursement for approved program purposes. Under current law, interest accumulated on investments would be returned to the Treasury.

Section 705 authorizes $16 million for a new television service for broadcasting to Cuba. The estimate assumes service will begin in the third quarter of fiscal year 1990 after feasibility testing, evaluations, and the hiring of employees has been completed. Outlays of $9 million in fiscal year 1990, and $7 million over the following two years were estimated using spendout rates for similar programs.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO cost estimate: None.

9. Estimate prepared by: Kent Christensen, 226-2840; Cathy Ellman, 226-2820; Eric Nicholson, 226-2680.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Mr. PELL. Mr. President, I am prepared to yield back the remainder of our time.

Mr. HELMS. I yield back the remainder of our time.

The PRESIDING OFFICER. The Chair will note that under the previous order, when all time is yielded back, the vote on this amendment is scheduled to occur tomorrow afternoon at 2:15 p.m.

Mr. HELMS. Mr. President, I would correct the Chair. There will be 20 minutes of debate equally divided, and the vote will be at 2:35.

The PRESIDING OFFICER. The Chair would state to the Senator from North Carolina that that agreement has not been entered into.

Mr. HELMS. Mr. President, but it will be propounded by the majority leader.

Mr. PELL. That is also the understanding of the manager of the bill.

The PRESIDING OFFICER. The Chair will entertain that unanimous consent request when it is asked.

Mr. HELMS. Mr. President, I called it to the attention, I say to the Chair, because I do not want Senators who may be listening to be confused. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF HERBERT D. KLEBER

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the nomination of Herbert D. Kleber of Connecticut, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy, be held at the desk until the close of business Tuesday, July 18, 1989.

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

ORDER TO PRINT JOHNSTON AMENDMENT—NO. 267

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator JOHNSTON's amendment No. 267 be printed.

The PRESIDING OFFICER. Without objection, the amendment will be printed as requested.

LEGISLATION REGARDING DESECRATION OF THE U.S. FLAG

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period of time between 10:30 and 12:30 p.m. tomorrow be considered as morning business for the purpose of the introduction of legislation and constitutional amendments relating to the issue of the desecration of the U.S. flag and discussion of that legislation and the flag-burning question, and that Senators be permitted to speak therein for up to 10 minutes each.

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

The Chair recognizes the Republican leader, Senator DOLE.

RESPONSES TO PHYSICAL DESECRATION OF THE FLAG

Mr. DOLE. Mr. President, first of all, I thank the majority leader for ar-

ranging a period maybe as long as 2 hours tomorrow for a discussion of statutory response to physical desecration of the flag and also a constitutional amendment.

I understand it is not possible to give everyone 1 hour because they are coming in at different times. I urge those who have an interest, particularly in the constitutional amendment, if they desire to speak, we will try to allocate a time sometime during that 2-hour period.

Senator DIXON will be on the floor part of that time and I will be on the floor part of that time.

We encourage everyone who has an interest in the constitutional amendment that they have a chance to look at it.

We now have 53 cosponsors of that amendment, Republicans and Democrats. Hopefully tomorrow prior to introduction we can add to that number.

PRESIDENTIAL APPOINTMENTS

Mr. DOLE. Mr. President, I ask unanimous consent to print in the RECORD strictly for information purposes an update on Presidential appointments.

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

THE WHITE HOUSE,
Washington, July 17, 1989.

Update on PAS Appointments

Number of nominations to date	264
Nominations pending before the Senate	107
Number of nominations confirmed by Senate	156
Rejected	1
Press releases of intention to nominate, but not yet nominated	30
Press releases on individuals who will continue to serve	29

NOMINATIONS PENDING BEFORE SENATE

Name	Title	Date nominated
Martin Lewis Allday	Solicitor of the Department of the Interior	June 13, 1989
Timothy B. Atkeson	Assistant Administrator of the Environmental Protection Agency (International Affairs)	June 6, 1989
David George Ball	Assistant Secretary of Labor (Pension and Welfare Benefit)	April 18, 1989
Andrew Camp Barrett	A member of the Federal Communications Commission for the term expiring June 30, 1990	June 16, 1989
Shirley Temple Black	Ambassador to Czechoslovakia	June 6, 1989
Julia Chang Bloch	Ambassador to Nepal	June 23, 1989
Richard Wood Boehm	Ambassador to the Sultanate of Oman	June 6, 1989
Debra Russell Bowland	Administrator of the Wage and Hour Division, Department of Labor	June 8, 1989
William Braniff	U.S. Attorney for Southern District of California	June 9, 1989
D. Allan Bromley	Director of the Office of Science and Technology Policy	June 6, 1989
William C. Brooks	Assistant Secretary of Labor (Employment Standards Administration)	June 8, 1989
Jacqueline Knox Brown	Assistant Secretary of Energy (Congressional and Intergovernmental Affairs)	June 22, 1989
Keith Lapham Brown	Ambassador to Denmark	May 31, 1989
William Andreas Brown	Ambassador to Israel	May 31, 1989
Morris Dempson Busby	Rank of Ambassador during tenure as Coordinator for Counter Terrorism	June 6, 1989
Frederick Morris Bush	Ambassador to Luxembourg	June 15, 1989
Gilbert E. Carmichael	Administrator of the Federal Railroad Administration	July 11, 1989
Raoul Lord Carroll	General Counsel, Department of Veterans Affairs	June 15, 1989
James E. Cason	Assistant Secretary of Agriculture (Special Services)	May 2, 1989
Allen B. Clark, Jr.	Assistant Secretary of Veterans Affairs (Veterans Liaison and Program Coordination)	July 17, 1989
Richard A. Clarke	Assistant Secretary of State (Politico-Military Affairs)	June 22, 1989
Brian W. Clymer	Urban Mass Transportation Administrator	June 16, 1989
Thomas E. Collins, III	Assistant Secretary of Labor for Veterans' Employment and Training	June 22, 1989
Linda M. Combs	Assistant Secretary of the Treasury (Management)	July 11, 1989
Susan M. Coughlin	Member of the National Transportation Safety Board for the term expiring December 31, 1993	June 21, 1989
Margaret P. Currin	U.S. Attorney for Eastern District of North Carolina	June 16, 1989
J. Michael Davis	Assistant Secretary of Energy (Conservation and Renewable Energy)	June 16, 1989
Thomas C. Dawson II	U.S. Executive Director of the International Monetary Fund for a term of 2 years	July 17, 1989
Michael R. Deland	Member of the Council on Environmental Quality	July 14, 1989
Thomas J. Duesterberg	Assistant Secretary of Commerce (International and Economic Policy)	June 16, 1989
John J. Easton, Jr.	Assistant Secretary of Energy (International Affairs and Energy Emergencies)	June 22, 1989
Michelle Easton	Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education	July 11, 1989
Lugi R. Einaudi	Permanent Representative of the U.S.A. to the Organization of American States, with the rank of Ambassador	June 16, 1989
Edward Martin Emmett	Member of the Interstate Commerce Commission for a term expiring Dec. 31, 1992	June 8, 1989
Raymond Charles Ewing	Ambassador to Ghana	July 11, 1989
Martin C. Faga	Assistant Secretary of the Air Force (Space Policy)	July 11, 1989
Linda J. Fisher	Assistant Administrator for Toxic Substances of the Environmental Protection Agency	July 17, 1989
C. Austin Fitts	Assistant Secretary of Housing & Urban Development	May 31, 1989
Anne Newman Foreman	Under Secretary of the Air Force	July 17, 1989
Arthur W. Fort	Assistant Secretary of State (Administration)	July 11, 1989
Chas. W. Freeman, Jr	Ambassador to Saudi Arabia	June 15, 1989
Claire E. Freeman	Assistant Secretary of Housing and Urban Development (Administration)	June 22, 1989
Lou Gallegos	Assistant Secretary of the Interior (Policy, Budget and Administration)	June 22, 1989
Joseph Bernard Gildenhorn	Ambassador to Switzerland	June 13, 1989
Roy M. Goodman	Member of the National Council on the Arts for a term expiring Sept. 3, 1994	June 7, 1989
Donald Phinney Gregg	Ambassador to the Republic of Korea	Mar. 6, 1989
Stella Garcia Guerra	Assistant Secretary of the Interior (Territorial and International Affairs)	June 15, 1989
Constance Bastine Harriman	Assistant Secretary for Fish and Wildlife, Department of the Interior	June 6, 1989
Henry E. Hockeimer	Associate Director of the U.S. Information Agency	June 21, 1989
Wade F. Horn	Chief of the Children's Bureau, Department of H.H.S	June 21, 1989
Jerry M. Hunter	General Counsel of National Labor Relations Board for a term of 4 years	May 12, 1989
Eric M. Javits	Ambassador to Venezuela	July 11, 1989
Kyo Ryoon Jhin	Chief Counsel for Advocacy, Small Business Administration	June 23, 1989
Jane A. Kenny	Director of the ACTION Agency	July 11, 1989
Gwendolyn S. King	Commissioner of Social Security	July 17, 1989
Herbert D. Kleber	Deputy Director for Demand Reduction, Office of National Drug Control Policy	July 17, 1989
Dennis Edward Kloske	Under Secretary of Commerce for Export Administration	July 14, 1989
Kathleen Day Koch	General Counsel of the Federal Labor Relations Authority for a term of 5 years	July 11, 1989
Skirma Anna Kondratas	Assistant Secretary of Housing and Urban Development (Community Planning and Development)	June 9, 1989
Eugene P. Kopp	Deputy Director of the U.S. Information Agency	July 11, 1989
Kenneth B. Kramer	Associate Judge of the U.S. Court of Veterans Appeals for the term of 15 years	May 5, 1989
Quincy Mellon Krosby	Assistant Secretary of Commerce (Export Enforcement)	May 31, 1989
Thomas D. Larson	Administrator of the Federal Highway Administration	June 6, 1989
Warren A. Lavorel	For the rank of Ambassador during his tenure of service as the United States Coordinator for Multilateral Trade Negotiations	June 16, 1989
Eugene Kistler Lawson	First Vice President of the Export-Import Bank of the United States for a term of 4 years expiring Jan. 20, 1993	June 22, 1989
Antonio Lopez	Associate Director of the Federal Emergency Management Agency	May 18, 1989
William Lucas	Assistant Attorney General (Civil Rights)	May 1, 1989
S. Anthony McCann	Assistant Secretary of Veterans Affairs (Finance and Planning)	June 21, 1989
Jean McKee	Member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1994	July 11, 1989
John D. Macomber	President of the Export-Import Bank of the United States for a term of 4 years expiring Jan. 20, 1993	June 22, 1989
Sherrie Patrice Marshall	Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1992	June 16, 1989
Thomas Patrick Melady	Ambassador to the Holy See	June 9, 1989
Jerry Alexander Moore, Jr.	Ambassador to the Kingdom of Lesotho	July 11, 1989
Richard Anthony Moore	Ambassador to Ireland	July 14, 1989
Diane Kay Morales	Assistant Secretary of Energy (Environment, Safety and Health)	April 12, 1989
Daphne Wood Murray	Director of the Institute of Museum Services	July 11, 1989
Della M. Newman	Ambassador to New Zealand and Ambassador to Western Samoa (2 positions)	May 17, 1989
Janice Obuchowski	Assistant Secretary of Commerce for Communications and Information	June 7, 1989
Deborah K. Owen	Federal Trade Commissioner for the unexpired term of seven years from Sept. 26, 1987	June 6, 1989
Edward Joseph Perkins	Director General of the Foreign Service	July 11, 1989

NOMINATIONS PENDING BEFORE SENATE—Continued

Name	Title	Date nominated
Sherrie Sandy Rollins	Assistant Secretary of Housing and Urban Development (Public Affairs)	June 7, 1989
Gerard F. Scannell	Assistant Secretary of Labor (Occupational Safety and Health)	June 22, 1989
Rockwell Anthony Schnabel	Under Secretary of Commerce for Travel and Tourism	June 6, 1989
Melvin F. Sembler	Ambassador to Australia and Ambassador to Nauru (2 positions)	May 5, 1989
John W. Shannon	Under Secretary of the Army	July 17, 1989
Alfred C. Sikes	Member of the Federal Communications Commission for a term of 5 years from July 1, 1988	July 11, 1989
Joy A. Silverman	Ambassador to Barbados; to Dominica; to Saint Lucia; and to Saint Vincent and the Grenadines (4 positions)	July 11, 1989
Michael Philip Skarzynski	Assistant Secretary of Commerce (Trade and Development)	May 1, 1989
Harry M. Snyder	Director of the Office of Surface Mining Reclamation and Enforcement	July 11, 1989
Michael G. Sotirhos	Ambassador to Greece	July 11, 1989
Janet Dempsey Steiger	Federal Trade Commissioner for the term of 7 years from Sept. 26, 1988	July 11, 1989
Richard Burleson Stewart	Assistant Attorney General (Land and Natural Resources)	June 22, 1989
Edward C. Stringer	General Counsel, Department of Education	June 6, 1989
Thomas F. Stroock	Ambassador to Guatemala	July 11, 1989
William Lacy Swing	Ambassador to the Republic of South Africa	July 17, 1989
William H. Taft, IV	U.S. Permanent Representative on the Council of the NATO	June 8, 1989
Evelyn Irene Hoopes Teegen	Ambassador to Fiji; to the Kingdom of Tonga; to Tuvalu; and to the Republic of Kiribati (4 positions)	July 11, 1989
Edward T. Timperlake	Assistant Secretary of Veterans Affairs (Congressional and Public Affairs)	June 15, 1989
John F. Turner	Director of the U.S. Fish and Wildlife Service	June 13, 1989
Michael Ussery	Ambassador to the Kingdom of Morocco	June 6, 1989
Stephen A. Wakefield	General Counsel of the Department of Energy	June 16, 1989
Vaughn R. Walker	United States District Judge for the Northern District of California	Feb. 28, 1989
Alexander Fletcher Watson	Deputy Representative of the U.S.A. to the United Nations, with rank and status of Ambassador E&P	July 11, 1989
John C. Weicher	Assistant Secretary of Housing and Urban Development (Policy Development and Research)	May 16, 1989
Milton James Wilkinson	Deputy Representative of the U.S.A. in the Security Council of the United Nations, with the rank of Ambassador	July 11, 1989
Deborah Wince-Smith	Assistant Secretary of Commerce for Technology Policy	June 13, 1989
Johnny Young	Ambassador to Republic of Sierra Leone	July 17, 1989
Joseph Zappala	Ambassador to Spain	May 2, 1989

Mr. DOLE. I asked Frederick McClure, the chief liaison officer at the White House, this morning to give us a list so we would know how many nominations have been made, how many confirmed, and how many are pending. So he gave me the entire list.

This includes the judges, Ambassadors, commissions, as well as agencies and it is for information purposes only. There are about 35 of these nominations that only have been up less than a week.

I understand from the majority leader only about 18 arrived here prior to June.

Hopefully we can clear a number of these before the August recess because if not we are looking at probably late September before it can be accomplished, and in some areas the reason for some delay is reaching an agreement with the White House on access to FBI information. I understand that we are still negotiating that. That is still being negotiated with the majority leader and with the White House legal counsel, C. Boyden Gray. I would encourage Mr. Gray to try to come to some conclusion on that so we can move ahead on some of the nominations.

I know the majority leader has already indicated we will move as quickly on these as we can.

That is all I have.

Mr. MITCHELL. I thank the distinguished Republican leader.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. I will do the best that I can to move forward on as many of these nominees as possible.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolutions:

On March 21, 1989:

S.J. Res. 64. Joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

On March 29, 1989:

S. 553. An act to provide for more balance in the stocks of dairy products purchased by the Commodity Credit Corporation.

S.J. Res. 87. Joint resolution to commend the Governments of Israel and Egypt on the occasion of the tenth anniversary of the Treaty of Peace between Israel and Egypt.

On April 2, 1989:

S.J. Res. 50. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week".

On April 10, 1989:

S. 20. An act to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

On April 13, 1989:

S.J. Res. 43. Joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day".

On May 1, 1989:

S.J. Res. 45. Joint resolution designating May 1989 as "Older Americans Month".

S.J. Res. 92. Joint resolution to invite the houses of worship of this Nation to celebrate the bicentennial of the inauguration of George Washington, the first President of the United States, by ringing bells at 12 noon on Sunday, April 30, 1989.

On May 2, 1989:

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel.

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

S.J. Res. 84. Joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day".

On May 5, 1989:

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week".

On May 11, 1989:

S.J. Res. 62. Joint resolution designating May 1989 as "National Stroke Awareness Month".

On May 15, 1989:

S. 968. An act to delay the effective date of section 27 of the Office of Federal Procurement Policy Act.

On May 17, 1989:

S.J. Res. 37. Joint resolution designating the week beginning May 14, 1989, and the week beginning May 13, 1990, as "National Osteoporosis Prevention Week".

On May 22, 1989:

S.J. Res. 58, Joint Resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day".

On May 23, 1989:

S.J. Res. 68. Joint Resolution to designate the month of May 1989, as "Trauma Awareness Month".

On June 9, 1989:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

On June 15, 1989:

S. 767. An act to make technical corrections to the Business Opportunity Development Reform Act of 1988.

On June 19, 1989:

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes.

MESSAGES FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes;

H.R. 2022. An act to establish certain categories of nationals of the Soviet Union, nationals of Poland, and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees; and

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of oil, gas, or minerals in any area of that sanctuary, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the Act for existing agency matching procedures; and

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990 as the "Decade of the Brain".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

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

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2022. An act to establish certain categories of nationals of the Soviet Union, nationals of Poland, and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-1393. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on U.S.-Irish cooperation in agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1394. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Animal Welfare Enforcement Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1395. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to recover costs of carrying out certain animal and plant health inspection programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1396. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, notification of an excess of appropriated funds for the Board for International Broadcasting; to the Committee on Appropriations.

EC-1397. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize portability of benefits for nonappropriated fund and civil service employees of the Department of Defense when such employees move from one employment system to the other; to the Committee on Armed Services.

EC-1398. A communication from the Secretary of Defense, transmitting, pursuant to law, certification that the current five-year defense program fully funds the support costs associated with the MLRS multiyear program; to the Committee on Armed Services.

EC-1399. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting pursuant to law a report summarizing the recent actions taken by the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1400. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on position-fixing and identification equipment on foreign fishing vessels; to the Committee on Commerce, Science, and Transportation.

EC-1401. A communication from the President of the Corporation for Public Broadcasting, transmitting, pursuant to law, a report on the assessment of the needs of minority and diverse audiences in the area of public broadcasting; to the Committee on Commerce, Science, and Transportation.

EC-1402. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification that a decision on Brandywine Valley Railroad Co. Purchase CSX Transportation, Inc. was not issued within the specified time constraints; to the Committee on Commerce, Science, and Transportation.

EC-1403. A communication from the Secretary of Transportation, transmitting, pursuant to law, the thirteenth annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC-1404. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report on the Board's findings on public aircraft accidents and incidents; to the Committee on Commerce, Science, and Transportation.

EC-1405. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-1406. A communication from the Acting Assistant Secretary (Environment Safety and Health) of the Department of Energy transmitting, pursuant to law, a draft Programmatic Environmental Impact Statement for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-1407. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propogation facilities constructed in the Columbia River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1408. A communication from the Secretary of Energy, transmitting, pursuant to law, the final update of the Comprehensive Program Management Plan; to the Committee on Energy and Natural Resources.

EC-1409. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1410. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report regarding the indentification of long-term research needs of the Great Lakes; to the Committee on Environment and Public Works.

EC-1411. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training funds; to the Committee on Finance.

EC-1412. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on a review of the policy for the use of the Aid to Families with Dependent Children and Emergency Assistance programs; to the Committee on Finance.

EC-1413. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the State Department's personnel practices and affirmative action efforts relative to their impact on minorities and women in the Foreign Service; to the Committee on Foreign Relations.

EC-1414. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report of the Agency for Fiscal Year 1989; to the Committee on Foreign Relations.

EC-1415. A communication from the Assistant Legal Adviser for Treaty Affairs of the State Department, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States in the sixty day period prior to July 6, 1989; to the Committee on Foreign Relations.

EC-1416. A communication from the Privacy Act Officer of the Administrative Conference of the United States, transmitting, pursuant to law, notification of the Conference's intention to establish a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1417. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "First Line Supervisory Selection in the Federal Government"; to the Committee on Governmental Affairs.

EC-1418. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to strengthen the intel-

29-059 O-90-4 (Pt. 11)

lectual property laws of the United States by providing protection for original designs of useful articles against unauthorized copying; to the Committee on the Judiciary.

EC-1419. A communication from the Independent Auditor of the National Council on Radiation Protection and Measurements, transmitting, pursuant to law, the annual report of independent auditors who have audited the records of the National Council on Radiation Protection and measurements; to the Committee on the Judiciary.

EC-1420. A communication from the Counsel of the Pacific Tropical Botanical Garden, transmitting, pursuant to law, a copy of the audit report of the Garden for the period from January 1, 1988 through December 31, 1988; to the Committee on the Judiciary.

EC-1421. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Priorities Transitional Bilingual Education and Special Alternative Instructional Programs"; to the Committee on Labor and Human Resources.

EC-1422. A communication from the Secretary of Education, transmitting a draft of proposed legislation entitled "Student Loan Default Reduction Amendments of 1989"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-185. A resolution adopted by the City Council of Lauderdale Lakes, Florida favoring legislation to direct that military installations which are closed be used as shelters for the homeless; to the Committee on Armed Services.

POM-186. A resolution adopted by the Senate of the State of Michigan; to the Committee on Armed Services:

"SENATE RESOLUTION 132

"Whereas a vital component of our nation's strategy to deter nuclear war is in its final stages of development and approaching service. This turning point in the technology of defense is the B-2 Stealth bomber. The Stealth bomber represents a giant step in deterring war because of its ability to operate without detection by radar. This aircraft represents advances in technology and materials that will continue to evolve over the next thirty years, according to United States Air Force officials; and

"Whereas of the states under consideration to house the Stealth bomber, Michigan offers many advantages worthy of consideration. These include the efficiency and effectiveness of Michigan's bases and their strong support for Stealth programs, as well as recognized support for the bases by the communities. Michigan's geographical advantage as the heart of the interior of the continent is also an important consideration; and

"Whereas this new cornerstone of our defense system, which is expected to be operational by 1995, is based on highly advanced technology that will continue to be developed. The materials that the Stealth bomber is constructed with and the intricate sensors that are part of the aircraft will be made more effective by their location in a state that is a leader in using all types of technology. The human and technological resources available in Michigan could complement training programs of the military; and

"Whereas Michigan offers a wide range of terrains, including great expanses of open water, and climate as well. These factors could prove invaluable to maintaining a high level of preparedness for personnel operating the Stealth bomber from Michigan bases; and

"Whereas for many years, Michigan has, in effect, been one of the strongest supporters of the research that has gone into the Stealth technology, for Michigan has consistently been among the states with the highest percentage of its federal tax dollars remaining outside the state in support of federal activities, including the defense of our nation. Indeed, year in and year out, Michigan has a low return rate of federal funds. For fiscal year 1988, Michigan received $.72 in return for each tax dollar sent to Washington, the lowest ratio of per capita spending in the nation;

"Whereas the people of Michigan have a strong tradition of commitment to the country, and the unique opportunities to serve by housing the B-2 Stealth bomber reflect Michigan's belief in our nation's strategic efforts to deter nuclear war; now, therefore, be it

"*Resolved by the Senate*, That the members of this legislative body hereby memorialize the Congress of the United States and the Secretary of Defense to house the B-2 Stealth bomber in Michigan; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the office of the United States Secretary of Defense."

POM-187. A resolution adopted by the City Council of Lauderdale Lakes, Florida expressing opposition to offshore drilling and mining; to the Committee on Energy and Natural Resources.

POM-188. A resolution adopted by the Senate of the State of Hawaii to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION NO. 102

"Whereas the United States Congress in 1920 enacted the Hawaiian Homes Commission Act to provide available lands for the use and occupancy of native Hawaiians; and

"Whereas there are about 200,000 acres of available lands statewide with the possibility of more acres being returned to the Hawaiian homes commission; and

"Whereas with statehood, the management of these lands has been placed under the Department of Hawaiian Home Lands, administered by an eight-member commission and a chairperson; and

"Whereas in the nearly seventy years of administration only about 6,000 native Hawaiian families have been granted lease homesites through the Hawaiian home lands program; and

"Whereas approximately 18,000 native Hawaiian families remain on a waiting list to receive homesites; and

"Whereas it is well known that the cost of living, including the cost of housing construction is very high in Hawaii and the development of homesites in the Hawaiian home lands programs is severely hampered because of these high costs; and

"Whereas loans from the Federal Housing Administration, Veterans Administration, and other conventional mortgage sources have been used successfully for the construction of homes, but these funds have not been sufficient; and

"Whereas guaranteed loan programs of about one billion dollars over a ten year period at $100 million per year would help to reduce the cost of improving potential homesites by the development of infrastructure such as roads, water, electricity, and drainage of homestead areas as well as enable lessees to construct homes on Hawaiian home lands; Now, therefore, be it

"*Resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989*, That the United States Congress is requested to establish a native Hawaiian rehabilitation guarantee loan fund; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, Speaker of the United States House of Representatives, Hawaii's Congressional delegation, the U.S. Secretary of the Interior and the U.S. Secretary of Housing and Urban Development."

POM-189. A resolution adopted by the Senate of the State of Illinois; to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION NO. 200

"Whereas coal production and rail transportation are two of Illinois' great industries; and

"Whereas, in the United States Congress there is legislation that would grant eminent domain power for federal seizure of property to coal slurry pipeline companies; and

"Whereas, this legislation, if enacted into law, would threaten the existence of both Illinois coal production and rail transportation; and

"Whereas, this legislation, if enacted, would make Illinois coal less attractive, and adversely affect Illinois coal production and employment; and

"Whereas, this legislation would cause Illinois' railroads to lose coal hauling revenues, which would then cause Illinois counties and taxing bodies to lose revenue; and

"Whereas, this legislation would permanently reduce Illinois' rail employment, which currently provides work for 24,000 Illinoisans; and

"Whereas, this permanent reduction in Illinois' rail employment would adversely affect the retirement benefits of 60,000 Illinoisans; and

"Whereas, this legislation would allow the coal slurry companies' use of Illinois water to flush its product down the pipeline, water that is used for the transportation of farm products by river; and

"Whereas, Coal Slurry pipelines are a bad idea for Illinois; therefore, be it

"*Resolved, by the Senate of the Eighty-Sixth General Assembly of the State of Illinois*, That we oppose H.R. 402 and S. 318 which would enact coal slurry legislation; and be it further

"*Resolved*, That we urge the Illinois Congressional Delegation to actively oppose this legislation that would greatly harm the economy of Illinois; and be it further

"*Resolved*, That suitable copies of this preamble and resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Transportation, and each member of the Illinois Congressional Delegation."

POM-190. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 4018

"Whereas meeting the future energy needs of the state of Washington through cost-effective conservation, that is, reduced energy consumption that results from increased efficiency of energy use, production, or distribution, promises a reliable, low-cost, and environmentally desirable resource; and

"Whereas acid rain, ozone depletion, elevated levels of carbon dioxide, and other greenhouse gases associated with fossil-fueled generation make it desirable to defer so long as possible the increased operation and/or new construction of such generating facilities; and

"Whereas new appliances that are more energy efficient offer a significant source of inexpensive energy savings in this state; and

"Whereas the federal Department of Energy is now considering amending its nationwide energy efficient standards that apply to refrigerators, freezers, and television sets, and is expected to enter rulemaking in the near future to consider revised standards for home hot water heating; and

"Whereas the department, in its rulemaking documents, defined and characterized five levels of energy efficiency, the highest being the most efficient; and

"Whereas the National Appliance Energy Conservation Act requires that standards be set to achieve maximum energy savings that are still economical for consumers; and

"Whereas level 4 for refrigerators, level 3 for color televisions, and level 2 for black and white televisions meet the requirements of the act; and

"Whereas Home water heaters represent a particularly large energy savings opportunity;

"Now, therefore, Your Memorialists respectfully pray that the federal Department of Energy, in Docket Number CAS-RM-87-102, adopt energy standards for new refrigerators and freezers at least at level 4 of the standards under consideration; and be it

"Resolved, That the Department in the same proceeding also adopt energy standards for new television sets at level 3 for color sets and at level 2 for black and white sets; and be it further

"Resolved, That the Department in its upcoming proceeding revise standards for home water heating to achieve energy efficiency standards that will capture all energy savings that are technically feasible and economically justified; and be it further

"Resolved, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-191. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works:

"SENATE CONCURRENT RESOLUTION NO. 80

"Whereas a national environmental disaster is occurring in Louisiana as an acre of coastal wetlands disappears every fifteen minutes, as one hundred acres disappear every day; and

"Whereas eighty percent of wetland loss in the continental United States is occurring in Louisiana, although that state contains just forty percent of the nation's wetlands; and

"Whereas loss and deterioration of coastal wetlands means the loss and deterioration of fish and wildlife habitat which supports extensive and diverse fish and wildlife populations, including several threatened and endangered species; and

"Whereas the natural balance between land building and subsidence which allow the creation of wetlands was radically altered after the turn of the century by activities of the federal government; and

"Whereas the United States Army Corps of Engineers straightened and channelized upstream tributaries of the Mississippi River for local flood control and navigation purposes and then constructed levees to protect downstream states from resultant flooding; and

"Whereas these levees prevented annual spring overflow of river water and sediment into shallow waters where traditionally they had built and nourished marshes; and

"Whereas for purposes of interstate commerce, the Corps constructed numerous navigation channels through Louisiana wetlands, causing the death of swamp and marsh vegetation by allowing the intrusion of salt water; and

"Whereas the development of oil and gas reserves to supply the energy needs of the nation also contributed to wetland loss as more than eight thousand miles of canals were cut across Lousisana marshes to lay the pipelines that transport outer continental shelf oil and gas to energy-poor states; and

"Whereas the most efficient, effective means available to man to undo the damage he has wrought in the wetlands is the construction of structures to divert fresh water and sediment to starving marshes on a very large scale; and

"Whereas the construction of diversion structures will require a moral and financial commitment by this nation; and

"Whereas President George Bush has made a commitment to preserve wetlands, pledging a new national goal of no net loss of wetlands; and

"Whereas the Congress of the United States now has the opportunity to show its commitment to wetlands preservation as it considers S. 630 by Mr. Breaux and H.R. 1070 by Mr. Livingston during this session of the Congress; and

"Whereas S. 630 dedicates five percent of outer continental shelf revenues to a wetland preservation trust fund, a proposal that is entirely appropriate since national-interest activities, including OCS minerals development, are largely to blame for the loss of Louisiana's coastal wetlands; and

"Whereas waters offshore Louisiana contributed $51 billion to the federal treasury between 1969 and 1986 from oil and gas which made its way to national markets through the maze of pipeline canals which crisscross coastal wetlands; and

"Whereas despite the magnitude of Louisiana's contribution to the nation in terms of energy production, mineral revenues, and navigation, Louisiana ranks forty-third in per capita federal expenditures; and

"Whereas Louisiana not only needs but also deserves assistance as it strives to restore, preserve, and re-create wetlands; and

"Whereas without the federal assistance which is proposed in S. 630 and H.R. 1070 Louisiana's coastal wetlands will be lost forever, along with the extensive national benefits that they provide; Now therefore be it

"Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact S. 630 by Mr. Breaux and H.R. 1070 by Mr. Livingston to preserve Louisiana's disappearing wetland habitat; and be it further

"Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-192. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 38

"Whereas Medicare is a program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act (42 U.S.C. §§ 1395 et seq.); and

"Whereas Medicare provides many people in this state who live on fixed and limited incomes with essential health insurance coverage; and

"Whereas for many of these people their pension income and the income earned from savings and other investments are barely enough to pay their expenses, including premiums for Medicare, and to offset inflation; and

"Whereas the Medicare Catastrophic Coverage Act of 1988 imposes a supplemental premium on an estimated 45 percent of the persons eligible for Medicare to cover the costs of new and increased health insurance benefits; and

"Whereas this supplemental premium is $22.50 for each $150 of adjusted federal income tax liability, and will increase to $42 for each $150 of tax liability by 1993; and

"Whereas this unexpected financial burden may result in the loss of financial security for many older persons who have prepared themselves financially for retirement without considering the supplemental premium; and

"Whereas legislation has been introduced in Congress (S. 43) that would repeal the Medicare Catastrophic Coverage Act of 1988; now, therefore be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to adopt S. 43; and be it further

"Resolved, That copies of this resolution be prepared and transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-193. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"SENATE RESOLUTION

"Whereas group homes or apartments are critical to those family members who no longer live at home; and

"Whereas families in this Commonwealth are in dire need of respite care or special transportation services; and

"Whereas when those with developmental disabilities receive job training, their lives are enhanced; and

"Whereas the waiting lists for physical therapy, occupational thereapy or speech/language therapy have grown longer, with little indication of hope for relief; and

"Whereas families in this Commonwealth are entitled to the security of planning for their children's future living in the neighborhood or community; and

"Whereas this Commonwealth is committed to planning for the future of people with mental retardation; and

"Whereas group homes and other community-based services must be closely monitored and of high quality; and

"Whereas the needs of the individual must be first and foremost; and

"Whereas S. 384 would assist in adapting homes and vehicles to meet the needs of those with disabilities; therefore be it

"*Resolved,* That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to support and enact S. 384 to provide Medicaid-reimbursed community-based programs to people with developmental disabilities who live with their families, in their own homes or in small, family-scale environments; and be it further

"*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-194. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"SENATE RESOLUTION

"Whereas persons with autism are eligible, under Federal guidelines, to receive Supplemental Security Income; and

"Whereas eligibility for Supplemental Security Income automatically renders them eligible for Medical Assistance; and

"Whereas medical assistance pays for the care of other mentally disabled people in Community Living Arrangements; and

"Whereas this case is not reimbursable, under Federal guidelines, for persons who have autism; and

"Whereas this dichotomy within Federal regulations excludes autistic people from living in a supervised setting within the community; and

"Whereas this Federal conflict is inequitable and needs to be changed; therefore be it

"*Resolved,* That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to address the issue of Medicaid reimbursement to include autistic people among those eligible to receive community-based residential care; and be it further

"*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-195. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURREENT RESOLUTION No. 2

"Whereas the Medicare Catastrophic Coverage Act of 1988 is the most significant expansion of Medicare since that program was created in 1965; and

"Whereas the Medicare Catastrophic Coverage Act fills gaps in Medicare's existing coverage of hospital and physician services, establishes coverage for new benefits never before included under Medicare, and provides protection not available in private health insurance policies; and

"Whereas the new and expanded Medicare benefits provided in the Catastrophic Coverage Act will be financed through a combination of basic and supplemental premiums paid by beneficiaries; and

"Whereas beginning in tax year 1989, a separate supplemental premium based on income tax liability will be paid by approximately forty-five percent of Medicare beneficiaries; and

"Whereas the Medicare income tax surcharge on retirees going into effect in 1989 will raise marginal tax rates for the elderly substantially above the rates for other taxpayers; and

"Whereas the initial fifteen percent surcharge is scheduled to increase annually to twenty-eight percent by 1993; and

"Whereas Medicare costs to the elderly have increased by three-fourths since 1986 and by 1993 will amount to fifty dollars a month for each beneficiary or one thousand two hundred dollars a year for elderly couples; and

"Whereas this income tax surcharge will impose a serious financial burden on the nation's senior citizens, now therefore be it

"*Resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States and in particular the members of the Louisiana congressional delegation to abolish the Medicare income tax surcharge imposed by the Medicare Catastrophic Coverage Act of 1988; and be it further

"*Resolved,* That certified copies of this Resolution shall be forwarded to the secretary of the Senate and the clerk of the House of Representatives of the Congress of the United States, and to each member of the Louisiana congressional delegation."

POM-196. A concurrent resolution adopted by Legislature of the State of Louisiana; to the Committee on Finance:

HOUSE CONCURRENT RESOLUTION No. 24

"Whereas the problem of adult illiteracy is reaching epidemic proportions with an estimated seventeen to twenty-two million functionally illiterate adults in the United States; and

"Whereas it is believed that functional illiterates are going to earn forty-four percent less than those with a high school diploma, are more likely to resort to crime, and are highly dependent on welfare; and

"Whereas Louisiana's concern with this problem is of paramount importance, as Louisiana, compared with other states, has the highest percentage of its population twenty-five years old and over with fewer than five years of schooling and also has the highest high school dropout rate in the nation; and

"Whereas adult education is the only alternative method of earning a high school diploma in Louisiana once an individual leaves the traditional elementary and secondary school system; and

"Whereas the General Educational Development program (GED), administered by the American Council on Education, awards a high school equivalency diploma to those who pass a test in certain skills, with more than seven hundred thousand persons annually taking that test, according to recent figures; and

"Whereas it is in the best interests of all citizens of the United States, as well as the state of Louisiana, to encourage those persons who are illiterate to pursue adult education culminating with the award of a GED high school equivalency diploma, so that they may become more productive members of society; now therefore be it

"*Resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation granting a credit against federal income tax liability for those persons who, through the General Educational Development program, are awarded a high school equivalency diploma; and be it further

"*Resolved,* That copies of this Resolution be transmitted to the clerk of the United States House of Representatives, the secretary of the United States Senate, and to each member of the Louisiana congressional delegation."

POM-197. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"Whereas families with children bear a disproportionate share of the federal tax burden in this country; and

"Whereas in 1948 the income tax exemption for a dependent child equalled eighteen percent of the average American income, while in 1988 it equalled four percent, demonstrating a devaluation of children in the United States Internal Revenue Code; and

"Whereas the estimated cost of raising a child today is in excess of two hundred thousand dollars per child; and

"Whereas mortgage and interest rates make it increasingly more difficult for the single-earner family to buy a home; and

"Whereas a heavy tax burden and the high cost of living are causing mothers to seek employment outside of the home, forcing them to leave their children in the care of strangers; and

"Whereas child development experts are predicting serious problems with future generations who do not receive adequate mother love and nurturing; and

"Whereas statistics show that eighty-four percent of employed mothers would rather be home taking care of their chidren; and

"Whereas current federal tax laws discriminate against single-earner families with a parent in the home; now therefore be it

"*Resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation to raise the federal income tax exemption for dependent children to three thousand dollars, phased to five thousand dollars by 1995, and to grant a credit against federal income tax liability of one thousand dollars per child under the age of five, to low-income, working families in which at least one parent is employed; and be it further

"*Resolved,* That copies of this Resolution be transmitted to the clerk of the United States House of Representatives, the secretary of the United States Senate, and to each member of the Louisiana congressional delegation."

POM-198. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

HOUSE CONCURRENT RESOLUTION No. 112

"Whereas participation of pharmacists in the Title XIX program is essential if our Nation is to make available to its indigent citizens prescription drugs necessary to their health and welfare through the Medicaid program; and

"Whereas pharmacists participating in the Medicaid prescription drug program have been traditionally compensated for the costs of prescription ingredients and the labor entailed in dispensing prescriptions; and

"Whereas traditionally, the basis for reimbursement to pharmacists for such costs has been determined by the Average Wholesale Price (AWP) as defined by the state of Lou-

isiana, resulting in such reimbursement being equitable to pharmacy providers as well as the taxpayers of the nation; and

"Whereas the Health Care Financing Administration has seen fit to challenge this traditional and equitable system for reimbursement; and

"Whereas such challenge by the Health Care Financing Administration, if successful in reducing reimbursements, will result in serious harm to the practice of pharmacy, with consequent harm to the Medicaid program itself; Now therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to take action necessary to cause the Health Care Financing Administration to cease and desist its efforts to redefine Average Wholesale Price for purposes of reimbursement of pharmacy providers under the Medicaid program; and be it further

"Resolved, That copies of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation in congress."

POM-199. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

ASSEMBLY JOINT RESOLUTION NO. 6

"Whereas on July 1, 1988, President Reagan signed into law the Medicare Catastrophic Coverage Act of 1988 (House Resolution 2470, Public Law 100-360), the intent of which was to protect the nation's 32.4 million medicare beneficiaries against the high cost of long-term hospital and medical costs; and

"Whereas the benefits of the Catastrophic Act are to be fully financed by Medicare beneficaries through a combination of an increased flat premium (presently Part B) and supplemental surtax on an individual's tax liability, effective January 1, 1989, and increasing each year until 1993; and

"Whereas the flat monthly premium will increase for all Medicare beneficiaries, over and above what is already being charged, from $4 per individual in 1989 to $10.20 in 1993; and

"Whereas this supplemental surtax will increase a senior citizen's federal income tax liability by 15% in 1989, and will increase that liability to 28% by 1993; and

"Whereas an individual Medicare beneficiary could pay a maximum of $800 surtax in 1989, increasing to $1,050 in 1993, and a couple could pay $1,600 and $2,100 respectively; and

"Whereas the act includes coverage for prescription drugs, enhanced hospital benefits, and places a cap on certain expenses, but does not provide any coverage for long-term home or custodial care as is implied by the title of the act; and

"Whereas all Medicare-eligible individuals who pay federal income tax will have to pay the surtax whether or not they receive benefits; and

"Whereas the Congressional Budget Office estimates that only 7 percent of Medicare recipients will be eligible for benefits under the Medicare Catastrophic Coverage Act each year; and

"Whereas while the act will provide needed benefits to those few senior citizens who have no other access to catastrophic health care coverage, the act offers much less coverage than Medicare supplemental insurance plans offered through the Public Employees' Medical and Hospital Care Act and many other California public employee health plans; and

"Whereas on October 20, 1988, in Long Beach, California, a coalition of public employee groups representing retired state, local government, and school employees testified at a hearing on this issue held by the Assembly Committee on Public Employees, Retirement, and Social Security, and demanded that their situation be addressed; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President and the Congress of the United States to institute a one-year moratorium on the implementation of the Medicare supplemental surtax; and be it further

"Resolved, That the President and the Congress of the United States direct the appropriate agency to study the existing catastrophic health care coverage already available to many state, county, city, and other public and private employees, and assess the necessity of the Medicare Catastrophic Coverage Act for these individuals; and be it further

"Resolved, That the Congress of the United States hold at least two hearings in California to allow California public and private employees to present testimony on their concerns; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to each member of the appropriate congressional committees, to the American Association of Retired Persons, and to representatives of active and retired public employee organizations."

POM-200. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION

"Whereas current federal law provides for the elimination of the tax-exempt status for small issues industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

"Whereas the availability of small issue industrial development bonds is critical to Maine's economic development providing expansion, diversification of the manufacturing sector, and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity, and quality critical the long-term stability of the State's manufacturing base; and

"Whereas in the past 5 years, small issue industrial development bonds have resulted in investments of approximately $300,000,000 in Maine and the retention or creation of over 29,000 Maine jobs and have enhanced the tax base of municipalities throughout the State; and

"Whereas, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

"Resolved, That We, your Memorialists, respectfully urge that legislation be enacted forthwith which will eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

"Resolved, That a duly authenticated copy of this Memorial be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

POM-201. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 10

"Whereas the Tenth Amendment to the United States Constitution reserves to the states and to the people powers not delegated to the Federal Government; and

"Whereas despite the Tenth Amendment and the United States Supreme Court's prognostication that Congress is disinclined to invade the rights of the individual states, recent Congressional action has expanded the breadth of federal governmental power over the sovereign states; and

"Whereas the intrusive actions taken by Congress include: (1) the creation of unfunded mandates and the shift of fiscal responsibility for its policies to the states; (2) the imposition of sweeping conditions upon grants which, except for the Spending Clause, cannot be independently supported by any provision of the Constitution; (3) the increasing interference with state fiscal policy by eliminating the deductibility of state and local taxes, by imposing an alternative minimum tax on supposedly tax-exempt bonds (which increased the cost of providing state and local services) and by otherwise restricting the availability of tax-exempt financing for public purposes; and (4) the increasing derogation of the states to the role of either private parties or administrative arms of the Federal Government; and

"Whereas the Supreme Court further expanded the breadth of Congress' power to intrude upon the sovereign states in *South Carolina v. Baker*, 108 S.Ct. 1355 (1988), when it ruled that Congress may tax interest on state and local bonds; and

"Whereas although Congress has acknowledged that tax exemptions for state and local general obligation bonds are a legitimate and important method of ensuring the soundness of the nation's infrastructure and the availability of essential services, the *South Carolina v. Baker* decision and the recent Congressional initiatives suggest that Congress may intrude upon the sovereignty of the states and impose a tax on the interest paid on state and local bonds; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature urges Congress to respect the fiscal integrity of the state and local governments, to reject the invitation of the Supreme Court to enact legislation which imposes a tax on interest earned on state and local bonds and to resolve this potential intrusion into the sovereignty of the states; and be it further

Resolved, That copies of this resolution be prepared and transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the

Senate, the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-202. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 42

"Whereas worldwide production of opium, coca, marijuana and hashish rose significantly during 1988; and

"Whereas the abuse of heroin, cocaine, marijuana and other illegal drugs continues to increase in this country and around the world; and

"Whereas President Bush recently condemned six countries—Burma, Laos, Panama, Syria, Afghanistan and Iran—for their failure to cooperate with the United States in efforts to control the production and distribution of such drugs; and

"Whereas Bolvia, Mexico, Colombia, Peru, the Bahamasa and Paraguay, all of whom have been characterized by the State Department as "close friends and allies" of the United States, are also major producers of illegal drugs or serve as conduits for the drug traffic; and

"Whereas the problem of drug abuse in this country is aggravated by the failure of these countries to take positive, consistent action against the producers and traffickers of illegal drugs; now therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada jointly*, That the Legislature of the State of Nevada hereby urges the Congress of the United States to impose appropriate trade and other economic sanctions against these countries; and be it further

"*Resolved*, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-203. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION No. 379

"Whereas the peoples of the Pacific have navigated by the stars from time immemorial; and

"Whereas the Mauna Kea on the island of Hawaii is acknowledged as one of the world's foremost astronomical observation points; and

"Whereas the Canada-France-Hawaii Telescope, commissioned in 1979, was the first international observatory to select Mauna Kea as its site, thus establishing Hawaii's growing international role in astronomy; and

"Whereas the Science and Engineering Research Council of the United Kingdom was the first international infrared telescope organization to choose Mauna Kea as the site for its United Kingdom Infrared Telescope, commissioned in 1979, further establishing Hawaii's growing international role in astronomy; and

"Whereas the National Aeronautics and Space Administration (NASA) chose Mauna Kea as the site for their NASA Infrared Telescope, commissioned in 1979, as a continuation of the University of Hawaii's 88-inch telescope, further establishing Hawaii's growing international role in astronomy; and

"Whereas the development of international astronomical facilities on Mauna Kea has contributed significantly to the educational, scientific, and economic vitality of Hawaii; and

"Whereas the scientific collaboration among citizens of Canada, France, the United Kingdom, the United States and the State of Hawaii has strengthened the bonds across the Pacific and beyond and proved to be a model for world-wide cooperation in astronomy; and

"Whereas in the coming decades the State of Hawaii will continue to build on the success of the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope, to expand and secure Hawaii's leading role in astronomy in the Pacific and beyond; now, therefore, be it

"*Resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring*, That on the occasion of the tenth anniversary of the commissioning of the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope, the contributions of the governments of Canada, France, the United Kingdom, the United States, and the University of Hawaii be recognized in the establishment of Hawaii as an international center of excellence in astronomy; and be it further

"*Resolved*, That these observatories and their sister facilities on Mauna Kea, maintain and broaden their efforts in keeping the people of Hawaii informed of their achievements in astronomy; and be it further

"*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the Governor of Hawaii, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Board of the Canada-France-Hawaii Telescope Corporation, the Director of the Science and Engineering Research Council of the United Kingdom, the Administrator of the National Aeronautics and Space Administration, the President of the University of Hawaii, and the governments of Canada, France, the United Kingdom, and the United States through their official representatives in Hawaii."

POM-204. A resolution adopted by the Council of the American Library Association relative to electronic dissemination of Government information; to the Committee on Governmental Affairs.

POM-205. A resolution adopted by the Council of the American Library Association relative to access to current information; to the Committee on Governmental Affairs.

POM-206. A resolution adopted by the Council of the American Library Association relative to depository distribution of publications exempted from title 44 requirements; to the Committee on Governmental Affairs.

POM-207. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

"JOINT RESOLUTION No. 19

"Whereas the First Congress of the United States passed a resolution on September 25, 1789, proposing the following amendment to the United States Constitution:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring*, That the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"'Article the second. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'; and

"Whereas this proposal has been ratified by the legislatures of at least 25 states since September 25, 1789; and

"Whereas the resolution of the First Congress proposing this measure did not establish a date by which the amendment must be ratified; Now be it

"*Resolved*, That the Sixteenth Alaska State Legislature ratifies the proposed amendment to the United States Constitution as set out in the Congressional Resolution, and be it further

"*Revolved*, That copies of this resolution, properly certified, shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; to the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Frank G. Burke, Archivist of the United States; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-208. A resolution adopted by the Board of County Commissioners of Sedgwick County, Kansas supporting the adoption of a constitutional amendment to prohibit desecration of the American flag; to the Committee on the Judiciary.

POM-209. A resolution adopted by the City Council of Lewisville, Texas favoring the adoption of a constitutional amendment to exempt certain interest income from taxation; to the Committee on the Judiciary.

POM-210. A resolution adopted by the Council of the American Library Association relative to Federal libraries and information centers as governmental activities; to the Committee on Labor and Human Resources.

POM-211. A resolution adopted by the Council of the American Library Association favoring legislation to support better child care services; to the Committee on Labor and Human Resources.

POM-212. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources:

"HOUSE CONCURRENT RESOLUTION No. 139

"Whereas many states, including Lousiana, have authorized a state Silver-Haired Legislature to serve as an educational and political forum which provides opportunities for older persons to voice opinions and concerns pertaining to the general welfare of senior citizens; and

"Whereas though many laws concerning senior citizens are products of state legislatures, the United States Congress considers and enacts what are perhaps the most significant laws that affect senior citizens; and

"Whereas a National Silver-Haired Congress would serve as a national forum for responsible involvement of the elderly in the

federal legislative process; Now therefore be it

"*Resolved*, That the Legislature of Louisiana does hereby request the Congress of the United States to establish a National Silver-Haired Congress and to take such action as shall be necessary to implement such a forum; and be it further

"*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM-213. A joint resolution adopted by the Legislature of the State of Maine; ordered to lie on the table:

"JOINT RESOLUTION

"Whereas there is currently pending in the 101st United States Congress, a bill, H.R. 2, which would raise the federal minimum wage to $4.55 an hour; and

"Whereas this measure has been passed by the United States Congress, and is to be presented to the Honorable George H.W. Bush, President of the United States, for his signature; and

"Whereas President Bush has publicly indicated that he may veto this bill; and

"Whereas the federal minimum wage has not been increased since 1981; and

"Whereas even with the modest increase proposed by the 101st Congress minimum-wage earners will not keep up with the inflation which has occurred over the past 8 years; and

"Whereas the Maine Legislature has passed increases in Maine's minimum wage and has found these increases to have a negligible negative impact on this State's business climate; and

"Whereas the Governor of Maine, along with numerous other governors, has gone on record in support of an increase in the federal minimum wage; and

"Whereas the President is proposing a capital gains tax break that will give those taxpayers who earn more than $200,000 annually a tax cut of over $30,000 per year; and

"Whereas the pending minimum wage bill is a true measure of a "kinder and gentler nation"; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully recommend and urge the President of the United States to sign H.R. 2 and thereby provide economic justice to the wage earners who are the backbone of our economic system; and be it further

"*Resolved*, That duly authenticated copies of this joint resolution be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 681. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

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. KERRY (for himself and Mr. JEFFORDS):

S. 1328. A bill to declare the policy of the United States regarding the protection of U.S. Government satellites against antisatellite attack and to limit the use of funds for testing any antisatellite weapon against an object in orbit around the Earth; to the Committee on Armed Services.

By Mr. PRYOR:

S. 1329. A bill to subject persons involved in the resolution of insolvent financial institutions to Federal conflict of interest and disclosure laws; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELMS:

S. 1330. A bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 1331. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide grants to States to establish funds to provide assistance for the construction of water and waste facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI:

S. 1332. A bill to provide for realignment and major mission changes of medical facilities of the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1333. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD:

S. 1334. A bill for the relief of Tube Forgings of America; to the Committee on Finance.

By Mr. BENTSEN:

S. 1335. A bill to temporarily suspend the duty on certain furniture and seats; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1336. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Select Committee on Indian Affairs.

By Mr. GRAHAM:

S. 1337. A bill to establish a Mildred and Claude Pepper Scholarship Program; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HEINZ (for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, and Mr. HELMS):

S. Res. 154. Resolution expressing the sense of the Senate on the agreement to be signed between the Government of the United States and the Government of the Republic of Korea to co-produce the "Korean Fighter Program" [KFP]; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1328. A bill to declare the policy of the United States regarding the protection of U.S. Government satellites against antisatellite attack and to limit the use of funds for testing any antisatellite weapon against an object in orbit around the Earth; to the Committee on Armed Services.

SATELLITE SECURITY ACT

Mr. KERRY. Mr. President, on May 12, 1989, President Bush called for an expansion of the open skies plan of President Eisenhower, asking all nations, beginning with the United States and Soviet Union, to open up their skies to surveillance flights and satellites of other nations. President Bush said we must "open up military activities to regular scrutiny and, as President Eisenhower put it, 'convince the world that we are lessening danger and relaxing tension.' "

The single most important means we have of monitoring the Soviet Union are our satellites. And the biggest impediment to implementing the President's open skies policy are weapons that would destroy satellites, antisatellites, or Asat's.

I am convinced that the United States is now in a unique position to both stop the further development of the ASAT threat to our satellites—and even to pressure the Soviet Union into dismantling its existing Asat's through negotiating an Asat treaty.

Accordingly, on behalf of Senator JEFFORDS and myself, I am filing legislation, entitled the Satellite Security Act of 1989, which is designed to cause the Soviets to enter into negotiations with the United States on constraining antisatellite weapons, to open up their laser test facilities at Sary Shagan and any other suspect sites to the United States, and to continue their 6-year moratorium on the testing of Asat's against objects in orbit as the price for the U.S. forbearing its own testing of Asat's against objects in orbit.

The legislation sets tough standards for Soviet behavior as a precondition to the United States moratorium.

In essence, it says that the United States will not test any weapon against an object in orbit only if the President determines that the Soviet Union has not tested any of its weapons against objects in orbit, and that the Soviet Union has agreed to open up its laser facilities to the United States to allow us to monitor them, and that the Soviet Union has agreed to negotiate in good faith with the United States on constraining antisatellite weapons.

As the Office of Technology Assessment has found, the United States is more dependent on satellites to perform important military functions than is the Soviet Union. Current Soviet Asat capabilities are very limited. Our satellites face a far more serious threat from future Soviet Asat's if development is not halted now. Stopping further testing of Asat's by both sides is an effective means of protecting our satellites—and of furthering the President's own open skies proposal.

Recently, the Soviets have taken steps which suggest they may be prepared to go a long way to meet our concerns about verifying an antisatellite control agreement. On July 8, the Soviets actually opened up their most secret laser test facility to United States scientists and Congressmen, who were permitted to inspect the laser transmitter, receiver, transformer and beam director at the Sary Shagan laser site. At the site, Soviet Academy of Sciences vice president Yevgeny Velikhov stated that the Supreme Soviet's new commission on the military budget may even order the laser to be abandoned when it issues a report in the fall.

The importance of the new Soviet attitude cannot be underestimated. The Reagan administration in rejecting Asat arms control said the chief reason we couldn't negotiate such a treaty was because we could never verify it. Now, the Soviets are saying to us—we are ready to join you at the bargaining table on antisatellite weapons, and we are already willing to open up our most significant military test sites to demonstrate our openness to verification.

There are also significant intelligence implications of the Soviet action. The Soviets now contend—and these contentions appear to be supported by the initial technical indices of Soviet equipment at the Sary Shagan laser test site—that their lasers are only capable of producing 2 to 20 kilowatts of power. If this is true, Soviet laser capabilities are less than 1 percent of those previously claimed by the Department of Defense, the Strategic Defense Office, and the CIA in public statements about Soviet laser capabilities.

I am therefore today asking that the Intelligence and Armed Services Committees seek a formal review by the Central Intelligence Agency and Defense Department of judgments concerning Soviet laser capabilities over the past decade.

For example, in the March, 1985 CIA report, "Soviet Directed Energy Weapons: Perspectives in Strategic Defense," the Agency stated:

[The Soviets] already have a ground-based laser that could be used to interfere with U.S. satellites. * * *. The directed-energy R&D site at the Sary Shagan proving ground in the central U.S.S.R. could provide some anti-satellite capabilities and possibly ABM prototype testing in the future.

A 1987 version of the annual publication, "Soviet Military Power," prepared by the Department of Defense, asserted that the Soviet lasers at Sary Shagan are "capable of damaging sensitive components" of satellites in orbit.

General John Piotrowski, head of the U.S. Space Command, has repeatedly testified that the Soviets possess laser capabilities that could kill a satellite in low Earth orbit, wound a satellite as high as 750 miles, and do inband damage to those in geosynchronous orbit at 22,300 miles. Last year's edition of Soviet Military Power reiterated that the Soviets possessed "at least one laser believed capable of an anti-satellite mission."

The former Director of the Strategic Defense Office, Lt. Gen. James Abrahamson, testified before the Congress in March 1987 that the Soviets are "clearly ahead" of the United States in ground-based lasers.

These assessments have been a significant factor in congressional consideration of U.S. antisatellite programs, and in connection with the strategic defense initiative. However, information made available by the Soviets in connection with their unpredecented opening of the Sary Shagan site to a group of private United States scientists, journalists, and Congressmen on July 8, 1989, suggests that these assessments may not have been correct.

Specifically, during the site inspection, the Soviets stated that the most powerful laser at the Sary Shagan facility, the carbon dioxide laser, is capable of between 2 and 20 kilowatts of output, power ratings a tiny fraction of that needed to sustain even minimal antisatellite capabilities.

The technical data provided by the Soviets to the scientists in connection with the visit, as well as photographs of the laser equipment, power sources, beam director, cooling systems, mirrors, computers and related technologies, provide significant support for these statements by the Soviets.

This new information raises the question of whether past assessments of the Soviet laser program have significantly overestimated or exaggerated the military capability of the lasers themselves and of the program overall. If the information provided in the course of the site visit proves to be correct, it suggests a possible intelligence failure of substantial proportions.

The implications of such an intelligence failure could be profound, because the findings would undermine the very foundation of the rationale for the billions we have spent on the strategic defense initiative and the current crash program that is being pushed for directed energy anti-satellite weapons.

The implications for verification are also profound. For a number of years, I have advocated that the United States seek to negotiate a comprehensive verification accord with the Soviets to establish overall procedures for verifying all relevant military technologies.

It is increasingly clear that the Soviet Union is now willing to accept the principle of onsite inspection as part of verification, to supplement national technical means. They accepted this principal in the INF Treaty, and they are demonstrating the probability of their accepting it in the realm of Asat's by opening up Sary Shagan in this dramatic way.

I hope we will use the apparent new willingness of the Soviets to permit us to verify their military research and development programs in the area of lasers to secure limits on Soviet military developments in the area of antisatellite weaponry. As the Office of Technology Assessment has found, the United States is more dependent on satellites to perform important military functions than is the Soviet Union. Current Soviet Asat capabilities are very limited. Our satellites face a far more serious threat from future Soviet Asat's if development is not halted now. Stopping further testing of Asat's by both sides is an effective means of protecting our satellites—and of furthering the President's own open skies proposal.

The Congress stopped all testing of the now-defunct U.S. Asat system for 2 years because of concerns about the potential injury to U.S. national security if both sides move forward with the testing, development and deployment of Asat's.

The President's own national security advisor, Brent Scowcroft, recently coauthored an Aspen Study Group report which concluded that "we find it hard to identify a set of circumstances in which the benefits of using the limited existing Asat systems markedly outweigh the potential risks." Scowcroft wrote that "all scenarios involving the use of Asat's, especially those surrounding crises, increase the risks of accident, misperception, and inadvertent escalation."

Given these concerns, I believe further restraint regarding Asat's can be useful to the United States to force the Soviet Union to open up its secret laser facilities at the outset and ultimately to dismantle any existing Asat capability is has, as a result of negotiations with the United States resulting in an Asat Treaty.

I also believe it is essential for the United States to insure that its satellites remain survivable in any case. Accordingly, the legislation would require the administration to conduct a

study of the effect of current and potential Asat's on the survivability of United States satellites, and the costs to the United States for making our satellites survivable should the Soviets develop new Asat's. I believe such a study could help both the administration and the Congress understand better the costs to the United States should the Soviets move forward with their Asat program.

In recent years, many Senators have joined me in opposing United States antisatellite testing, so long as the Soviets too do not test. Now the Soviets have volunteered to open up their secret laser test sites for inspection, and are considering dismantling the sites altogether, I hope that this year's legislation, which is designed to bring about the ultimate dismantling of all Asat's, will receive even more support.

I ask unanimous consent that the full test of the legislation be entered into the RECORD, as well as the Washington Post article, "Soviet Laser Said To Pose No Threat," which describes this historic opening up of the Soviet laser, and a summary of the findings of the United States scientists who visited the Soviet test site.

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

S. 1328

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 "Satellite Security Act of 1989".

SEC. 2. FINDINGS

Congress makes the following findings:

(1) The United States Government relies on many of its satellites for communications, reconnaissance, electronic intelligence, remote sensing, detection of nuclear explosions, early warning of attack, monitoring compliance with arms control agreements, and monitoring the activities and movements of hostile military forces.

(2) Such satellites constitute vital integral parts of many United States weapon systems, command, control, and communications systems, and intelligence systems.

(3) It is essential to the national security of the United States that United States Government satellites survive antisatellite attacks.

(4) The Soviet Union has not tested its only antisatellite weapon, a coorbital system, against an object in space since the summer of 1982.

(5) The further development and testing of new antisatellite weapons by the United States and the Soviet Union may make all United States Government satellites and all Soviet satellites vulnerable to each other's antisatellite weapons.

(6) It is in the national security interest of the United States to discourage the development and testing of new antisatellite weapons by the Soviet Union.

SEC. 3. DECLARATION OF POLICY

(a) PROTECTION OF SATELLITES.—It is the policy of the United States to protect United States Government satellites—

(1) by discouraging Soviet efforts to improve antisatellite capabilities; and

(2) by conducting research, development, and testing on techniques that increase the capability of such satellites to survive physical attack, including such techniques as hardening, resistance, jamming, orbit selection, maneuvering, ground segment improvements, orbiting of spare satellites, deployment of dormant satellites, and signature reduction.

(b) ANTISATELLITE LIMITATION NEGOTIATIONS.—It is the sense of Congress that the President should initiate and conduct good faith negotiations with the Soviet Union with a view to achieving an agreement that provides for (1) the strictest possible limitations on the development, testing, production, and deployment of antisatellite weapons by the United States and the Soviet Union, (2) the dismantling of existing Soviet antisatellite weapons, and (3) verification of the compliance with the agreement.

SEC. 4. LIMITATION ON TESTING OF ANTISATELLITE WEAPONS

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any Act may be obligated or expended to test any weapon against an object in orbit around the Earth until the President certifies to Congress either—

(1) that the Soviet Union has conducted, after August 1982, a test of any weapon against an object in orbit around the Earth;

(2) that the President has requested the Soviet Union to permit the United States to deploy cooperative monitoring and verification technologies at the Soviet laser test site at Sary Shagan and at each other location that the President suspects the Soviet Union to be using for laser testing, and that the Soviet Union has refused to cooperate in good faith to make it possible for the United States to do so; or

(3) that the President has attempted to negotiate with the Soviet Union to establish limitations on the development, testing, production, and deployment of antisatellite weapons, and that the Soviet Union has refused to negotiate in good faith on such limitations.

SEC. 5. REPORT TO CONGRESS ON THE SURVIVABILITY OF UNITED STATES SATELLITES

(a) IN GENERAL.—Not later than March 1, 1990, the President shall prepare and transmit to Congress a report on—

(1) the capabilities of United States Government satellites to survive antisatellite attacks; and

(2) the capabilities of the United States (A) to monitor the development, testing, production, deployment, and use of antisatellite weapons by the Soviet Union, and (B) to verify Soviet self-restraint in the development, testing, production, deployment, and use of such weapons.

(b) CONTENT OF REPORT.—The report shall include reviews and analyses of—

(1) the capabilities of United States Government satellites to survive attack by antisatellite weapons, and the future actions necessary to ensure the capability of United States Government satellites to survive such attacks through the end of the twentieth century;

(2) an assessment of the effects on United States national security of—

(A) Soviet antisatellite capabilities;

(B) the development, by the Soviet Union, of antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) the development, by the Soviet Union, of the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronous orbit; and

(D) an agreement entered into by the United States and the Soviet Union that provides for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(3) the actions that could be taken to improve the capability of United States Government satellites to survive antisatellite attacks and the projected budgetary costs of taking such actions—

(A) if the Soviet Union were not to improve its antisatellite capabilities;

(B) if the Soviet Union were to develop antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) if the Soviet Union were to develop the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronous orbit; and

(D) if the United States and the Soviet Union were to enter into an agreement providing for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(4) United States capabilities to monitor and verify Soviet antisatellite capabilities;

(5) techniques by which the United States could improve capabilities to monitor and verify Soviet antisatellite capabilities, including—

(A) development, testing, production, and deployment of monitoring equipment, onsite verification equipment, and other verification equipment;

(B) onsite inspections; and

(C) negotiation of an agreement between the United States and the Soviet Union providing for the use of telemetry by each that is readable by the other and other cooperative means with the Soviet Union; and

(6) the desirability of and prospects for limiting Soviet antisatellite capabilities by agreement, including any agreement that would limit development, testing, production, or deployment of kinetic kill, directed energy, nuclear, or any other form of antisatellite weapon or that would limit any other antisatellite capability for any altitude.

(c) FORM OF REPORT.—The President shall transmit the report in a classified form to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives. The President shall also transmit to Congress an unclassified summary of the report.

SOVIET LASER SAID TO POSE NO THREAT—AMERICAN SCIENTISTS INSPECT INSTALLATION HIGHLIGHTED BY PENTAGON

(By R. Jeffery Smith)

SARYSHAGAN, U.S.S.R., July 8—A Soviet laser said by the Pentagon to be capable of damaging U.S. satellites is probably too weak to do so, a group of U.S. congressmen and independent American scientists said after examining it today.

The laser is housed here in a large, white building on the desolate steppes of Soviet

Kazakhstan, an area that also serves as the Soviet Union's official test range for research on ballistic missile defense.

The building's bulk has been a source of extra suspicion about the laser, but today it just added to the drama of the Americans; five-hour visit.

During the Reagan administration, several sketches of the laser building, drawn from U.S. satellite photos, were featured prominently in the Defense Department's annual publication, "Soviet Military Power," as an illustration of the Soviet Union's pursuit of missile defense research much like that being conducted under the controversial U.S. Strategic Defense Initiative.

A 1985 Pentagon pamphlet said, "The facilities there are estimated to include * * * a laser that may be capable of damaging some components of satellites in orbit and a laser that could be used in testing for * * * [missile defense] applications."

By 1987, the Pentagon language was changed to predict potential laser damage only to "sensitive components" of satellites, but in 1988, the department again said the Soviets had a ground-based laser "with some capability to attack U.S. satellites."

Princeton University physicist Frank von Hippel said today, after inspecting the laser's transmitter, receiver, transformer and beam director, that "it looks like a tool that's been left out to dry for 25 years. It's got 19 counter-top-sized ruby lasers, a Welding-sized laser, 1960s vintage computers and a couple of one-meter mirrors in an air-conditioned building.

"A two-year college in the United States could produce the same in one of its laboratories," von Hipple added.

Rep. Jim Olin (D-Va.), a former vice president for General Electric with training as an engineer, said he had concluded that "it's not the killer weapon people said it was."

However, Olin added that he agreed with an assessment by Rep. John M. Spratt Jr. (D-S.C.), a member of the Armed Services Committee, that the laser "could be ancillary to an antisatellite weapons system."

The Defense Ministry officials who hosted today's visit were noticeably discomfitted by the group's presence at the laser site and by some of the detailed questions that were raised, objecting in one instance even to providing the exact dates of the laser's design and construction.

Another senior researcher described the work here as only "a statistical problem," and his colleagues declined to amplify their claims that the dual laser system would be used only for highly accurate tracking of airplanes and satellites, not for their destruction.

No information was provided about either the unrelated, but obvious, missile defense research being conducted nearby or the supposed deployment of tactical lasers in the area. Photos were also prohibited during the dusty, 45-minute ride to the laser site from a military airfield.

But once there, Soviet Academy of Sciences vice president Yevgeny Velikhov led the group into key areas of the plant and invited visitors to take many photos, including some that will doubtless be studied closely by the U.S. intelligence community.

Velikhov said the laser was similar to a device the U.S. Air Force has tested from Hawaii during several space shuttle flights. The Soviet laser was used on three or four occasions last year in similar tests involving a special satellite equipped to reflect its beam and make its position obvious.

Velikhov said that he does not support the continuing operation of the laser and that the Supreme Soviet's new commission on the military budget may order the laser abandoned this fall.

FACTSHEET ON SARY SHAGAN LASER FACILITY

Based on the notes of Tom Cochran, Senior Staff Physicist, NRDC; Christopher Paine, Staff Aide to Senator Kennedy; and Frank von Hippel, Physicist, Princeton University, taken during a site visit organized by the NRDC and the Soviet Academy of Sciences, 8 July 1989.

Location: Near the eastern shore of Lake Balkhash in Kazakhstan (45 55' N, 73 30' E).

Purpose: Conduct research on laser radar.

History: Main building completed late 1979's. CO_2 laser building completed in mid 1982. Facility is currently undergoing modifications. Last attempt to track a space target was in August, 1988.

Description: Two low-power laser systems are optically combined into a single beam. One laser system consists of 0.7 micron pulsed ruby laser beam for target locations and the second consists of a 10.6 micron CO_2 laser used for target tracking. The 0.7 micron ruby laser beam is formed by optically combining the output of 19 five-watt lasers.

SYSTEM CHARACTERISTICS

Ruby Laser: 19 lasers with five-watt average power; 10 pulses per second; 30 nanosecond pulse length; and no phase matching between lasers.

Optics: Beams combined into one beam, then transmitted through a hole in the middle of the back of the main mirror of a 1.5 meter reflecting telescope to a 15 centimeter diameter secondary which reflects and spreads the beam track onto the front of the 1.5 meter gold-plated primary mirror. The wide beam is then reflected to the beam director mounted on the outside of the end of the building. The beam director has an aperture of about 1 meter.

The telescope is also used to collect the light reflected from the target, which returns along the optical path to a television camera and photo multiplier tube collector.

There are no adaptive optics or cooling of optical elements.

CO_2 Laser: One 20 kilowatt output continuous laser 1-2 kilowatts transmitted through the optics to the beam director; 15 percent optical efficiency (light energy/electrical energy); 5 percent efficiency (light energy/total energy consumption); therefore approximately 400 kilowatts total energy consumption. Laser beam diameter: 1.5 cm-3 cm; 250 kv high voltage generator for electron beam gun. Water cooling.

Optics: The beam is transmitted through an underground tunnel to the basement of the main (ruby laser) building, where it is then reflected onto a vertical path up to a 30-cm diameter 45-degree-angle mirror located between the 1.5 meter telescope and the beam director. This mirror sends the light to the beam director.

Adaptive optics: None.

Mirror cooling: None.

Computer control equipment: 1960's computer technology with hard-wired transistor circuitry; punch card data storage.

Power Supply: 5 megawatts for entire complex, including lasers, computers, lighting and air conditioning.

Other information: The facility has been used a few times per week to track aircraft equipped with a retroreflectors and beam sensing equipment at ranges up to 60-70 km. Attempts also made to track a multi-purpose Cosmos satellite using a mirror reflector mounted on the satellite. Satellite with reflector carries no beam-sensing devices. Continuous tracking not achieved.

High saline content of CO_2 laser cooling water from Lake Balkhash requires pipe replacement in three years rather than the expected twenty.

Total project cost to date: "A few tens of millions of rubles."

LARGE UNDERGROUND ROOM

Nearby, there is a very large underground room (perhaps 200 feet long, 100 feet wide and 40 feet high). The room was unfinished and empty. The group was told that it had originally been built around 1970 for a high-powered laser. It was underground and equipped with blast doors because one idea had been to power the laser with electromagnetic pulses generated by chemical explosions. There was a heavy blast wall on the ground above and next to the room which was evidently designed to protect the roof of the room from the blast waves. However, the project had been abandoned at an early stage.

By Mr. PRYOR:

S. 1329. A bill to subject persons involved in the resolution of insolvent financial institutions to Federal conflict of interest and disclosure laws; to the Committee on Banking, Housing, and Urban Affairs.

ETHICS IN THRIFT RESOLUTIONS ACT

● Mr. PRYOR. Mr. President, just a few weeks ago I was on the Senate floor to release a report on an investigation of the Federal Savings and Loan Insurance Corporation's First South receivership, undertaken at my request by the General Accounting Office. The investigation of the receivership at this failed Arkansas thrift uncovered several incidents of egregious misconduct by receivership employees. The investigation found that furniture and fixtures of the failed thrift were sold at fire sale prices at an auction open to receivership employees only. In a separate incident, the GAO investigated a contract with the receivership's former property manager to appeal tax assessments on receivership properties. The GAO found that the former property manager signed the contract only 2 days after resigning his receivership position, and he subsequently collected payment from the receivership for work that he had performed while a receivership employee. The Federal Home Loan Bank Board's Office of the Inspector General was informed about these incidents, but in both cases it found no wrong doings, primarily on the basis that receivership employees are not Federal employees subject to Federal conflict of interest statutes.

On the day I released the report of these findings, I promised to introduce legislation to eliminate the type of problems seen at the First South receivership, and today I am here to make good on that promise. Today I am introducing the Ethics in Thrift Resolutions Act which will make not

just receivership employees, but all employees involved in the resolution of insolvent financial institutions subject to Federal conflict of interest and disclosure laws. I understand that the Senate Banking Committee has expressed interest in including provisions of this type in the conference report on the savings and loan reform bill, so today I am sending similar legislative language to the chairman of the committee, Senator RIEGLE.

The savings and loan industry is rife with scandals, but I fear that we may not have seen the worst of the scandals yet. I believe the activities of the Resolution Trust Corporation, which is being established by the S&L reform bill to resolve the hundreds of billions of dollars in failed thrifts, are a fertile breeding ground for more scandals. The Senate version of the S&L reform bill currently directs the Oversight Board of the RTC to draft conflict of interest and ethics rules that will apply to RTC employees and independent contractors of the RTC. I want these standards to be unequivocal, however, so I am introducing this bill which will codify the standards in law. In the event the conferees on the S&L reform bill choose not to include these provisions in their bill, I hope the bill I am introducing will move through Congress quickly. Taxpayers are currently facing a bill of over $150 billion to clean up after the misdeeds of S&L operators; they will simply refuse to pay for cleaning up after unethical regulators.●

By Mr. HELMS:

S. 1330. A bill to provide protection to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM ANIMAL FACILITIES PROTECTION ACT OF 1989

Mr. HELMS. Mr. President, today I am introducing the Farm Animal Facilities Protection Act which is designed to prevent, deter, and penalize crimes against U.S. farmers, ranchers, food processors, and agricultural researchers.

The ability of the United States to feed its citizens adequately is responsible for America's being the greatest Nation in the world. And because of research breakthroughs in the agricultural community, improvements in food processing, and the continued hard work of U.S. farmers, the future of American agriculture is looking brighter.

However, I believe we are seeing a serious threat to U.S. agriculture, and we must now act to ensure that our food productivity is not disrupted.

There is a small group of citizens who are opposed to the agricultural use of animals, and several of these groups are turning to increasingly militant actions to express their views. In addition to the normal hardships experienced by the agricultural community, they are now forced to contend with vandalism, arson, liberation of animals, and even bomb threats. There is a long list of such animal rights terrorism including a recent firebomb attack on a Monterey, CA, meat company.

On Thursday, April 27, a worker at the plant reported a fire. Upon investigation, the Monterey fire marshall reported that several incendiary devices had been placed under the building. Also, trucks parked at the plant's loading dock were painted with slogans such as "meat kills." Fortunately, no one was harmed in the incident, but a worker could have easily been trapped in the plant if the fire had spread. This attack—committed while workers were in the plant—illustrates the fanaticism of some animal rights activists who blatantly disregard the danger to human life to make their point.

An animal rights group did claim responsibility for the crime as part of their ongoing campaign to make animal abuse unprofitable. Similar acts are becoming more frequent and more severe in all areas of the United States, and there is reason to believe that such activists are part of an international animal rights terrorist group.

Mr. President, such illegal acts against agriculture harm not only the farmers, ranchers, processors, and researchers, but all the rest of us as well. The cost of such crimes is enormous and are ultimately paid for by the consumer. In addition, valuable research data is lost or destroyed which could benefit everyone. The animal rights zealots who perpetrate these crimes are showing a total disregard for the rights of others.

Mr. President, the Farm Animal Facilities Protection Act is aimed at the animal rights terrorists who have decided dialog and negotiations are not effective methods for achieving change. Its goal is to stop the vigilante-style lawlessness and destruction that is becoming the calling card of animal rights activists. This legislation would make it a Federal crime to break into, vandalize, remove animals, trespass, or demonstrate the intent to disrupt a farming, ranching, processing, or agricultural research operation. This bill will help law enforcement efforts in preventing further terrorist acts, and aid the States in protecting the agriculture community.

U.S. agriculture needs action to prevent these violent acts and over 35 national, regional, and State agriculture groups support this legislation. I have several letters expressing their support, and I ask unanimous consent that these letters be included in the RECORD.

Mr. President, it is apparent that current laws are not discouraging this type of violence, and terrorist activities will continue unless the full power of the legal system is used. We must act to stop these acts of animal rights terrorism before they spread even further, and to prevent further harm to U.S. agriculture and the public well-being.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

AMERICAN FEED INDUSTRY ASSOCIATION,
Arlington, VA, June 24, 1989.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.
(Attn: Mark Eaton.)

DEAR SENATOR HELMS: On behalf of the American Feed Industry Association [AFIA], I wish to commend you in the strongest possible terms for your intention to introduce legislation that will protect U.S. farms, ranches and agricultural research facilities from the disturbing increase in animal rights violence.

Your bill, which make it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching or ag research through such activity, will give clear and necessary direction to federal law enforcement agencies so they may more efficiently deal with such criminal activity.

AFIA applauds your foresight, and pledges to work with you and your staff in any way you deem necessary to ensure passage of this important legislation during the 101st Congress.

Sincerely,

STEVE KOPPERUD,
Vice President.

NATIONAL CATTLEMEN'S ASSOCIATION,
Washington, DC, June 30, 1989.

Hon. JESSE HELMS,
United States Senate, Washington, DC.

DEAR SENATOR HELMS: On behalf of the National Cattlemen's Association, I would like to applaud your intention to introduce legislation to provide better protection for U.S. farms, ranches and agricultural research facilities from the continued increase in threatened or actual animal rights violence.

By making it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching or agricultural research through such activity, your bill will strengthen federal law enforcement agencies capability to deal with these deplorable criminal acts. Cattlemen across the country are seriously concerned about animal rights violence. Several of our state association offices have been vandalized and their staff has received death threats.

The National Cattlemen's Association salutes your foresight and initiative in introducing this necessary legislation. We would like to work with you and your staff in whatever ways that will expedite passage of this bill.

Sincerely,

ROBERT D. JOSSERAND,
President, National Cattlemen's Association.

NATIONAL BROILER COUNCIL,
Washington, DC, July 14, 1989.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: We at the National Broiler Council want to write you to let you know of our support for your intention to introduce the Farm Animal Facilities Protection Act of 1989. This legislation will not only protect our nation's food supply, this measure will protect farmers and ranchers from illegal acts.

This bill is long overdue. It will now be a federal crime to break into, vandalize and/or destroy property. And the act gives the Secretary of Agriculture authority to conduct investigations and provides for a civil right of action by the owners of the farm animal facility against the violator.

In our support for the bill, NBC wants you to know that we will work with you and your staff in any way necessary to ensure passage of this legislation.

Sincerely,

MARY M. COLVILLE,
Director, Government Relations.

NATIONAL TURKEY FEDERATION,
Reston, VA, July 6, 1989.

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

DEAR SENATOR HELMS: Enclosed is a copy of the National Turkey Federation July newsletter. We thought you would be interested in our story about the anti break-in legislation you will reportedly introduce later this month. As you can see, we are totally supportive of your efforts. We are extremely pleased to see that you are leading this effort to protect the property rights of all farmers across the nation.

We are eager to provide whatever assistance possible to ensure prompt passage of this legislation and look forward to working closely with you and your staff in this regard.

Sincerely,

STUART E. PROCTOR, Jr.,
Executive Vice President.

NATIONAL GRANGE,
July 5, 1989.

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

DEAR SENATOR HELMS: A disturbing upswing in animal rights violence against agricultural facilities is developing. Several life threatening incidences in California provide graphic evidence of this trend.

On January 29th, the Dixon (California) Livestock Auction was a victim of arson, causing $250,000 in damage to the holding pens and out buildings. The owners of the facility, which has never been the site of protests, pickets, or even letters, were shocked. Earth First!, a radical environmental group which deplores public land grazing, called a local newspaper to claim credit for the fire. On the same evening, Earth First! and the Animal Liberation Front claimed credit for vandalizing the Sacramento offices of the California Cattlemen's Association, the California Woolgrowers Association, and the California Council on Agriculture. "Agribusiness Kills" and "Livestock Destroys" were spray painted on the outside of the building, locks were jammed, windows were acid-etched, and paint was thrown on the walls.

The Animal Liberation Front took credit for an attempted fire bombing of a Monterey, California meat processing plant on April 27th in which employees were present when an incendiary device exploded. The target of the attack was the Luce-Carmel Meat Co., which is a 24-hour operation. The fire was reported by a worker at 4:04 a.m. After it was extinguished, investigators arrived from Monterey and the state's Arson Bomb Unit reporting that "multiple incendiary devices" were discovered beneath the building. A fire investigator said it was apparent that the intent was to burn down the entire building.

The list of such violence is getting longer and longer and is ranging from Delaware and Maryland to the West Coast. It is no longer an issue that can be addressed on a state-by-state basis. Federal legislation is required if we are to deal with these criminal activities that interfere with interstate commerce.

On behalf of the National Grange, I wish to commend you on your intention to introduce legislation that will protect United States' farms, ranches, and agricultural research facilities from this increase in animal rights violence. Your bill, which will make it a federal crime to break into, vandalize, remove animals from, trepass, or demonstrate with the intent to disrupt farming, ranching, or agricultural research through such activity is needed. It will give clear and necessary direction to the federal law enforcement agencies, so they may more effectively and efficiently deal with such activity.

The National Grange applauds your foresight and will work with you and your staff to ensure the passage of this important legislation during the 101st Congress. Thank you for your firm leadership on this issue and may you be joined in your efforts by many of your Senate colleagues.

Sincerely,

ROBERT E. BARROW,
National Master.

LIVESTOCK MARKETING ASSOCIATION,
Kansas City, MO, July 5, 1989.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: The Livestock Marketing Association, which represents nearly 1300 member businesses that market livestock, wishes to commend you for your plans to introduce legislation that would make it a federal crime to break into, vandalize, trespass or remove animals from farms, agriculture research facilities and other agricultural facilities.

As you may be aware, one of our members recently experienced first-hand the violence that has now entered the animal rights movement with the destruction by fire of his market facility in California. A radical animal rights group has publicly taken credit for destroying this market owner's livelihood. Unfortunately, under current State law, the penalties for such a heinous act of vandalism are relatively minor.

From this incident, our member businesses have acquired a unique appreciation for the need for stronger criminal laws in instances of domestic terrorism against agriculture related facilities. Thus, we deeply appreciate your foresight in initiating legislation that will more realistically and effectively deal with such criminal acts.

We look forward to working with you and your staff in the successful passage of this vitally needed legislation.

Sincerely

NANCY ROBINSON,
Associate Manager, Government and Industry Affairs.

NATIONAL LIVE STOCK PRODUCERS ASSOCIATION,
Wheatridge, CO, July 6, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Attention: Mark Eaton.

DEAR SENATOR HELMS: The National Live Stock Producers Association is a federated livestock marketing cooperative encompassing 12 regional marketing agencies and 4 credit corporations. Being a cooperative, we are in a position to represent our patron's views and concerns.

Therefore, with the current increase of destructive activities by some animal rights groups aimed at livestock producers, livestock markets, and research facilities, we are in full support of your introduction of legislation to protect these entities. Making it a federal crime to harm or disrupt farming, ranching or agricultural research should enable federal law enforcement agencies to deal with these groups in a more effective manner.

National Live Stock Producers is encouraged by your interest in dealing with this most important issue and fully supports the passage of this legislation in the 101st Congress.

Sincerely,

HAROLD E. LEIN,
Executive Vice President.

IDAHO CATTLE ASSOCIATION,
Boise, ID, July 5, 1989.

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

DEAR SENATOR: As a former member of your Hickory office staff, it is my pleasure to write you on behalf of the Idaho Cattle Association in support of your proposal regarding criminal actions against farm, ranch, and ag research operations.

Please add ICA to the already long list of agricultural organizations supporting your efforts.

So-called "animal rights" and "Earth First!" terrorists have unfortuantely made such legislation necessary, as they engage in activities which threaten human life and limb as well as America's agricultural economy.

Thank you for your leadership on this issue and on so many other issues critical to the survival of our freedom and way of life in this nation.

Most respectfully,

GARY GLENN,
Executive Vice President.

AMERICAN VEAL ASSOCIATION, INC.,
Naperville, IL, June 30, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Attention: Mark Eaton.

DEAR SENATOR HELMS: On behalf of the American Veal Association (AVA), I would like to thank you for your intention to introduce legislation that will aid in the protection of farms and research facilities from the sometimes destructive, illegal acts of some animal rights groups.

A veal farmer from California was the target of one of the more violent groups last summer. His barn was broken into, slogans were painted on the walls, and several animals were stolen. Farmers are fearing for their safety, as well as for that of their farms. Your bill, making these violent ac-

tions as federal crime, may help to deter these groups from their vigilante tactics.

Thank you, once again, for listening to the concerns of the American farmers and by responding with a bill.

Sincerely,

BARBARA HUFFMAN,
President, American Veal Association.

PENNAG INDUSTRIES ASSOCIATION,
Ephrata, PA, June 26, 1989.

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

DEAR SENATOR HELMS: On behalf of PennAg Industries Association, a 510-member agribusiness trade association, I would like to voice support for your intent to introduce legislation to protect farms, ranches, and agricultural research facilities from violence.

Your proposal to make it a federal crime to break into, vandalize, remove animals, trespass, or disrupt farming activities will present clear and necessary direction to federal law enforcement agencies in dealing with such criminal activity.

Our democratic society could not survive for long if we all vandalized people with whom we disagree. The discussion of societal problems and their resolution can be accomplished within our existing system of government, and as rational citizens we must all condemn criminal activity, whatever the motivation.

Thanks so much for supporting the rights of our members to engage in their business operations knowing that terrorists will be severely punished.

Sincerely,

DAVID R. BRUBAKER,
Executive Vice President.

COMMISSION OF FARM ANIMAL CARE, INC., PURDUE UNIVERSITY,
West Lafayette, IN, June 28, 1989.

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

DEAR SENATOR HELMS: On behalf of the Commission of Farm Animal Care, Inc., I commend you for your intention to introduce enabling legislation during the 101st Congress to protect U.S. farms, ranches, and agricultural research facilities from the increase in animal rights intimidation and violent conduct.

This bill, which will make it a federal crime to break into, vandalize, take animals, trespass or demonstrate the intent to disrupt farming, ranching or agricultural research through such activity, will send a clear message to federal law enforcement agencies on how to deal directly with such criminal activity.

The Commission of Farm Animal Care (list of members and organizations attached) praises your vision and help, while pledging to work with you and your staff in any way you deem necessary to ensure passage of this significant legislation.

Sincerely yours,

JACK L. ALBRIGHT,
Secretary-Treasurer.

NATIONAL BOARD OF FUR FARM ORGANIZATIONS,
St. Paul, MN, June 27, 1989.

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

Attention: Mark Eaton.

DEAR SENATOR HELMS: America's family fur farmers strongly support legislation to protect farms, ranches, and agricultural research institutions from unauthorized break-ins, release of animals, and other destructive activities engaged in by animal rights organizations.

The National Board of Fur Farm Organizations has actively supported this type of legislation in Minnesota, Wisconsin and other states. In our view, it is important to enact a federal law making it a crime to steal farm or agricultural research animals, to vandalize farms and research facilities or to otherwise disrupt lawful agricultural activity through violent means.

Please be assured of our full support for the legislation you plan to introduce. We look forward to working with you and your staff toward enactment at the earliest possible date.

Sincerely,

THOMAS L. GIBSON,
President.

PACIFIC EGG & POULTRY ASSOCIATION,
Modesto, CA, June 30, 1989.

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

Attention: Mark Eaton.

DEAR SENATOR HELMS: The Pacific Egg & Poultry Association applauds you for your intention to introduce legislation that will protect U.S. farms, ranches, and agricultural research facilities from the disturbing increase in animal rights violence.

Your bill, which will make it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching or ag research through such activity, will give clear and necessary direction to federal law enforcement agencies so they may more efficiently deal with such criminal activity.

Our member firms and individuals are ready and anxious to work with you and your staff to insure passage of this important legislation. Please let us know how we can assist.

Sincerely,

CLIFF H. OILAR,
Executive Director.

By Mr. BENTSEN:

S. 1331. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide grants to States to establish funds to provide assistance for the construction of water and waste facilities, and for other purposes; to the Committee on Environment and Public Works.

CONSTRUCTION OF WATER AND WASTE FACILITIES

● Mr. BENTSEN. Mr. President, most Americans take water and sewer service for granted. However, there are many Americans who lack even basic water and sewer facilities. Tens of thousands of Americans along the United States-Mexico border live in colonias. These communities, most often adjacent to existing cities and towns, lack the facilities that most Americans consider basic necessities of life. They have no fire departments, paved roads, or water and sewage services.

In October 1988 the General Accounting Office, an investigative arm of Congress, released a report on colonias that had been prepared at my request. In what it described as a conservative estimate, the GAO said 110,000 Texans live in 566 colonias along the border. The report summed up the situation—

These substandard housing subdivisions in rural districts consist of small plots of land with few or no roads and polluted water and inadequate sewage facilities; colonias are in unincorporated parts of counties, adjacent to American cities and towns along the border.

The land for colonias was usually acquired by migrant workers and other low-income groups of Mexican descent. Because colonias exist in unincorporated parts of counties, local jurisdictions have not been obligated to provide water and sewage services, and the new owners have lacked the financial means to acquire such services. These substandard living conditions pose a health problem to the colonias' residents as well as to the entire populations of the border counties, according to the Texas Water Development Board.

The GAO report also pointed out that the border counties had a much higher rate of gastrointestinal diseases than did the rest of the State or Nation. It stated

These diseases are often caused by poor hygiene, polluted water (common in the colonias), and contaminated foods.

Mr. President, as the GAO report stated, these health problems pose a threat not only to residents of the colonias but "to the entire population of the border counties". From a health standpoint, the colonias are almost a Third World nation. Their residents are subject to diseases that are rarely seen in more prosperous areas that have proper sanitation. However, their location and the infectious nature of most diseases poses a threat to the health of many Americans who do not themselves live in colonias. Contagious diseases don't stop in the colonias. They may start there, but, as the GAO report pointed out, they certainly do not stop there.

The Texas Legislature recently enacted a State law creating a revolving loan program to help colonias and other unincorporated rural areas provide water and sewage services. The legislature earmarked 20 percent of the authorized $500 million in Texas Water Development Bonds for this program. My legislation will provide a needed Federal component to that effort.

Under the Texas program, colonias in economically distressed counties would be able to obtain long-term, low-interest loans from this fund. Counties would be considered economically distressed if unemployment is 25 percent above the State average and per capita income is 25 percent below it. All border counties would qualify.

Only those colonias occupied as of June 1, 1989, will be eligible for loans from the new revolving fund. In addition, loans will be made only in coun-

ties that have acted to prevent development of future colonias.

The legislation I am introducing today would authorize $50 million per year in funding through the Farmers Home Administration to match the State funding of revolving loan program. The match would be 50 percent Federal funds and 50 percent State funds. It would not add to the budget, because the funding would be within existing program ceilings.

As in the Texas program, these Federal funds would be targeted to economically distressed areas, defined as counties with unemployment 30 percent above the national average and per capita income 30 percent below it. All counties along the United States-Mexico border would qualify.

To avoid duplication and reduce paperwork, the program would be administered by individual States with FmHA auditing the process.

It would not create a new bureaucracy. In fact, it would cut down substantially on the redtape and overhead costs normally associated with FmHA Water and sewer programs by requiring the States to administer this program. Since State funds will be at least half of the total, the States will have every incentive to manage these funds wisely.

Under this bill, FmHA funds would be made available to States for use in revolving loan funds. The States would disburse money to help local residents in economically distressed counties to bring needed water and sewer services to those areas which are now without them. In order to qualify for Federal money, the States would have to put up matching funds.

Channeling these funds through State revolving loan funds will result in a very high degree of leverage, giving more work on the ground for a smaller contribution of Federal dollars. The Texas Water Resources Board estimates that each Federal dollar into the Texas State fund will result in three dollars going out to the colonias.

Mr. President, I was born on that border, in the Rio Grande Valley of South Texas, and many members of my family are still there. My roots run deep there. The valley is my home.

But the issue here is much more than the old home ties. The issue is whether tens of thousands of U.S. citizens are going to have a share of hope and opportunity that we call the American dream. The issue is whether children will continue to walk through ankle-deep sewage after a hard rain, and whether we as a nation want to endure the expense to taxpayers and the suffering to sick children and their families of the rampant disease problems resulting from the lack of the most basic amenities. Amenities that most Americans take for granted—a sink with running water, a flush toilet. The issue is whether the citizens of these areas will continue to be the poorest of the poor, consigned to Third World living and economic conditions, or whether they will have an opportunity to be a part of the American dream.

Mr. President, I urge my colleagues to join me in supporting passage of this needed legislation, and I askm unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1331

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

SECTION 1. GRANTS FOR CONSTRUCTION OF WATER AND WASTE FACILITIES.

The Consolidated Farm and Rural Development Act is amended by inserting after section 306 (7 U.S.C. 1926) the following new section:

"SEC. 306A. GRANTS FOR CONSTRUCTION OF WATER AND WASTE FACILITIES.

"(a) DEFINITION.—As used in this section, the term 'economically distressed area' means a county—

"(1) with—

"(A) a per capita income that is less than or equal to 70 percent of the national average, as determined by the Bureau of Statistics, Department of Labor; and

"(B) an unemployment rate that is greater than or equal to 130 percent of the national average, as determined by such Bureau; or

"(2) on the border of the United States and Mexico.

"(b) GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.—

"(1) GENERAL AUTHORITY.—The Secretary is authorized to provide grants to each State in order to assist the State in establishing an economically distressed area revolving fund (hereinafter in this section referred to as a 'Fund') to provide financial assistance for the construction of wastewater treatment facilities and water supply projects.

"(2) SCHEDULE OF GRANT PAYMENTS.—The Secretary and each State shall jointly establish a payment schedule, under which the Secretary shall pay to each State the amount of each grant to be made to the State under paragraph (4)(A). The payment schedule shall be based on the intended use plan of each State under subsection (d)(3), except that the Secretary shall make payments—

"(A) in quarterly installments; and

"(B) as expeditiously as possible, but no later than the earlier of—

"(i) 2 years after the date that the State obligated moneys from the Fund; or

"(ii) 3 years after the date that the Secretary provided grants to the State under paragraph (1).

"(3) REQUIREMENTS FOR RECEIVING GRANTS.—In order to receive a grant under paragraph (1), a State shall enter into an agreement with the Secretary. In the agreement, a State shall agree to—

"(A) accept grant payments in accordance with the payment schedule established under paragraph (2);

"(B) deposit grant payments into the Fund;

"(C) deposit State moneys into the Fund in an amount greater than or equal to 20 percent of the total amount of all grants made to the State under paragraph (4)(A), on or before the date that each quarterly grant payment is made to the State under paragraph (1);

"(D) provide assistance to projects meeting the requirements of subsection (c)(3) in an amount equal to 120 percent of the amount of each grant payment, within 1 year after receipt of such grant payment;

"(E) expend all funds in the Fund in an expeditious and timely manner;

"(F) construct water supply or wastewater treatment facilities that are eligible to receive financial assistance under subsection (c)(3) and will meet the requirements of applicable Federal and State law, in whole or in part with moneys directly made available by grants under paragraph (1);

"(G) commit or expend each quarterly grant payment that the State shall receive under paragraph (2)(A) in accordance with the laws and procedures of the State that are applicable to the commitment or expenditure of revenues;

"(H) use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards in carrying out subsection (d)(5);

"(I) require, as a condition of making a loan or providing other assistance from the Fund, that the recipient of such assistance will maintain project accounts in accordance with generally accepted government accounting standards; and

"(J) make annual reports to the Secretary on the actual use of funds in accordance with subsection (d)(4).

"(4) PAYMENTS.—

"(A) IN GENERAL.—Each State that—

"(i) enters into an agreement described in paragraph (3); and

"(ii) demonstrates to the satisfaction of the Secretary that the State will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the intended use plan of the State, as referred to in subsection (d)(3), for the fiscal year for which the State requests a grant;

shall receive a payment under this section for such fiscal year in an amount equal to the Federal share of the aggregate amount to be expended by the State under such plan for such fiscal year.

"(B) FEDERAL SHARE.—The Federal share for each fiscal year shall be 50 percent.

"(C) STATE SHARE.—The State share equals 100 percent minus the Federal share.

"(D) DISTRIBUTION—The Secretary shall distribute funds made available for grant awards to a State under paragraph (1) according to the percentage of individuals in such State who reside in economically distressed areas as compared to the nationwide percentage of such individuals.

"(E) ALLOTMENT PERIOD.—

"(i) PERIOD OF AVAILABILITY FOR GRANT AWARD.—A grant award to a State under paragraph (1) for a fiscal year shall be available for obligation by the State during the fiscal year for which moneys are authorized and during the following fiscal year.

"(ii) REALLOTMENT OF UNOBLIGATED FUNDS.—The amount of any payment to a State for the Fund of the State, that is not obligated by the State before or on the last day of the 2-year period of availability established by clause (i), shall be immediately reallotted by the Secretary in the basis of the same ratio established under subparagraphs (B) and (C) for the second fiscal year of such 2-year period. None of the moneys reallotted by the Secretary shall be reallotted to a State that has not obligated all

moneys allotted to such State in the first fiscal year of such 2-year period.

"(5) CORRECTIVE ACTION.—

"(A) NOTIFICATION OF NONCOMPLIANCE.—If the Secretary determines that a State has not complied with subsection (c)(5) or any other provision of this section, the Secretary shall notify the State of such noncompliance and specify the necessary corrective action.

"(B) WITHHOLDING OF PAYMENTS.—If a State does not take corrective action within 60 days after the date that the State receives notification of such action under subparagraph (A), the Secretary shall withhold additional payments to such State until the Secretary is satisfied that the State has taken the necessary corrective action.

"(C) REALLOTMENT OF WITHHELD PAYMENTS.—If the Secretary is not satisfied that adequate correction actions have been taken by the State within 12 months after the State is notified of such actions under subparagraph (A), the payments withheld from the State by the Secretary under such subparagraph shall be made available for reallotment in accordance with paragraph (4)(D)(ii).

"(c) ECONOMICALLY DISTRESSED AREA REVOLVING LOAN FUNDS.—

"(1) ESTABLISHMENT.—In order for a State to receive a grant under subsection (b)(1), the State shall establish a Fund that complies with the requirements of this subsection.

"(2) ADMINISTRATION.—The Fund of each State shall be administered by an entity of the State that has the authority to operate the Fund in accordance with the requirements of this subsection.

"(3) PROJECTS ELIGIBLE FOR ASSISTANCE.—The Fund for a State shall be used only to provide financial assistance to a municipality, or an intermunicipal, interstate, or State agency, instrumentality, or supplier of water or wastewater services for the construction of a Federal or State approved publicly-owned water supply or wastewater treatment facility that provides water or wastewater services to an economically distressed area in which—

"(A) such services do not exist; and

"(B) at least 80 percent of the dwellings, in a portion of an economically distressed area that receives water or wastewater services from funds provided under subsection (b)(1), were occupied on June 1, 1989.

"(4) FINANCING OF FUND. —The Fund shall be maintained and credited with repayments of loans made by the Fund. The Fund balance shall be continuously available for providing financial assistance under paragraph (5).

"(5) Use of Fund.—Unless prohibited by State law from providing a particular means of financial assistance under this paragraph, a State may only use a Fund—

"(A) to make a loan, on the condition the—

"(i) the loan is made at or below the market interest rate, including an interest-free loan;

"(ii) annual principal and interest payments shall commence not later than 1 year after completion of any project;

"(iii) the loan shall have a term of repayment not to exceed 40 years;

"(iv) the recipient of the loan shall establish a dedicated source of revenue for payment of the loan; and

"(v) the Fund shall be credited with all payments of principal and interest on the loan;

"(B) to guarantee, or purchase insurance for, a loan obligation if such action would improve credit market access or reduce interest rates;

"(C) as a source of revenue or security for the payment of principal and interest on a revenue or general obligation bond issued by the State, if the proceeds of the sale of the bond will be deposited in the Fund;

"(D) to provide a loan guarantee for a revolving fund that is established by a municipality or intermunicipal agency that is similar to the Fund;

"(E) to earn interest on Fund accounts;

"(F) to provide for the reasonable costs of administering the Fund and conducting activities under this section; and

"(G) to make a grant, on the condition that the amount of the grant may not impair the maintenance of the total Federal and State deposits to the Fund as provided for in subsection (b)(3).

"(d) AUDITS, REPORTS, AND FISCAL CONTROLS; INTENDED USE PLAN.—

"(1) FISCAL CONTROL AND AUDITING PROCEDURES.—Each State that establishes a Fund shall utilize sufficient fiscal controls and accounting procedures to ensure proper accounting during appropriate accounting periods for—

"(A) payments received by the Fund;

"(B) disbursements made by the Fund; and

"(C) Fund balances at the beginning and end of the accounting period.

"(2) ANNUAL FEDERAL AUDITS.—The Secretary shall, at least once each fiscal year, conduct or require each State to independently conduct reviews and audits as may be considered necessary or appropriate by the Secretary to carry out this section. Audits of the use of moneys deposited in the Fund shall be conducted in accordance with the auditing procedures of the General Accounting Office, including the procedures described in chapter 75 of title 31, United States Code.

"(3) INTENDED USE PLAN.—After providing for public comment and review, each State shall prepare a plan each fiscal year that identifies the intended uses of the Fund for such State. Such plan shall include—

"(A) a description of the short- and long-term goals and objectives of the Fund of the State;

"(B) information on the activities to be supported by the Fund, including a description of project categories, terms of financial assistance, and the intended recipients of assistance;

"(C) specific proposals for meeting the requirements of subparagraphs (C) through (F) of subsection (b)(3); and

"(D) the criteria and method established for the distribution of moneys under the Fund.

"(4) ANNUAL REPORT.—Beginning on the first fiscal year after the receipt of payments under subsection (b)(4)(A), a State shall provide an annual report to the Secretary that describes whether, and the manner in which, the State has met the goals for the previous fiscal year as identified in the plan prepared for such year under paragraph (3), including identification of loan receipts, loan amounts, loan terms, and similar details on other forms of financial assistance provided from the Fund.

"(5) ANNUAL FEDERAL OVERSIGHT REVIEW.—The Secretary shall conduct an annual oversight review of each State plan prepared under subsection (d)(3), each State report prepared under paragraph (3), and other such materials as are considered necessary and appropriate in carrying out this section. After reasonable notice by the Secretary to the State or the recipient of a loan from the Fund, the State or loan recipient shall make available to the Secretary such records as the Secretary reasonably requires to review and determine compliance with this section.

"(6) APPLICATION OF PROVISIONS.—If the Secretary terminates a grant provided to a State under subsection (b)(1)—

"(A) such State shall solely conduct the reviews and audits under paragraph (2); and

"(B) the requirements set forth in paragraphs (3) through (5) shall not be applicable to the Secretary or such State.

"(e) AMOUNTS TO BE MADE AVAILABLE.—Notwithstanding any other provision of law, of the amounts made available to carry out section 310B(b) for fiscal years 1990 through 1994, the Secretary shall make available such amounts for each fiscal year to carry out this section.".●

By Mr. MURKOWSKI:

S. 1332. A bill to provide for realignment and major mission changes of medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES REALIGNMENT ACT

● Mr. MURKOWSKI. Mr. President, I rise today to introduce historic legislation which is needed to improve the efficiency of Department of Veterans Affairs [VA] health care facilities. Today I propose the Department of Veterans Affairs Medical Facilities Realignment Act of 1989. Specifically, this legislation—which is modeled after the Defense Authorization Amendments and Base Closure and Realignment Act—would establish a similar commission to examine VA medical facilities to determine whether realignments, consolidations, or mission changes are needed. Let me be clear, the purpose of this legislation is not to reduce the budget of VA's health care system or to necessarily close VA facilities, but rather to shift available resources where they can most efficiently provide care to the most veterans.

Mr. President, I had intended to introduce this bill before the Memorial Day recess, however I agreed to withhold introduction until Secretary Derwinski could discuss the proposal with veterans' service organizations. I discussed this bill on May 18, 1989 (see CONGRESSIONAL RECORD S5734-S5737).

It is my understanding that the Department of Veterans Affairs will shortly be sending to the Congress a draft hospital realignment bill. Secretary Derwinski has asked that the chairmen and ranking members of the Veterans' Affairs Committees introduce VA's legislation. I have seen a copy of VA's draft legislation and I intend to support it. However, because my bill differs from VA's, I wanted to introduce my bill so that my ideas would be considered by the Congress.

BACKGROUND

Mr. President, the VA health care system is the largest in the Nation. VA's medical care budget is over $10.5 billion annually. Additionally, VA's medical research budget exceeds $200 million and over $400 million is appropriated annually for medical facility construction. VA operates 172 hospitals, 233 outpatient clinics, 119 nursing homes, and 27 domiciliaries, and 194 community-based readjustment counseling centers for Vietnam-era veterans. VA provides hospital care to over 1 million veterans and conducts over 21 million outpatient visits. VA provides health care services to 13 percent of our Nation's veteran population.

The array of services provided by VA is extraordinary. Veterans—except for certain veterans who are required to pay a modest copayment—receive free inpatient treatment, nursing home care, outpatient care, or domiciliary care. The VA also offers specialized community-based contract care programs to address the needs of chronically mentally ill veterans and veterans with alcohol and drug abuse problems. Veterans are not only provided these services but also receive free prescription medications and over-the-counter drugs and supplies and, in some cases, transportation reimbursement for trips made to VA facilities. In other words, veterans who do use the VA system for health care needs receive an extraordinary variety of services.

It is important to note that veterans' access to VA health care services has never been equitable. That is, VA facilities have not been located in every city or community in the United States, and they probably never will be. Therefore, if a veteran's home happens to be geographically close to a VA medical facility, that veteran's access to VA services is very great.

FINANCIAL STATUS OF VA HEALTH CARE SYSTEM

During the summer of 1988, the Committee on Veteran's Affairs—through letters from veterans and VA employees and travel to VA facilities—became aware of funding problems within VA's health care system. As a result of this information, the committee held 2 days of hearings in September 1988 to discuss this funding problem. Officials from VA and representatives—including VA hospital directors, Chiefs of Staff, and Chiefs of Nursing—testified about the poor financial status of their facilities.

This year the committee has held 3 days of hearings on the funding issue. There is no disagreement among committee members that more money is needed if the level of services provided in the past is to be maintained. As a result of the funding situation, certain programs of care to veterans have been restricted or eliminated.

Senators SIMPSON and THURMOND joined with me in sending to the Budget Committee our views on VA's budget for fiscal year 1990. We recommended an increase of over $800 million for VA medical care in fiscal year 1990. This is an increase over the President's request which was $10.7 billion for that year.

Due in large part to the efforts of VA Secretary Ed Derwinski, on March 24, 1989, the President sent forth to Congress a request for fiscal year 1989 supplemental funding of over $300 million for VA medical care. On June 30, 1989, Public Law 101-45 was enacted which provided $340 million in supplemental appropriations for VA.

However, due to severe budget constraints resulting from the Federal budget deficit, it is unlikely that VA will receive all the money it needs to provide all things for all veterans. Simply raising the amount of funding for the VA medical care system is not an easy task.

I should note, however, the overall budget for the VA medical care system continues to grow each year. Because the VA increases the number of veterans who receive care each year, the VA does not have enough funds to continue to serve veterans in the manner in which they once did.

WHY IS THIS LEGISLATION NEEDED

This legislation is needed for a variety of reasons. One happens to be driven by the issue of money. We can no longer afford to operate the VA system as we have in the past. We must closely examine each Government program—including each VA facility—to determine if change is needed. For example, we have four VA hospitals in Chicago. Why is this so? Are all these facilities needed? These are the types of questions that needed to be asked.

Health-care delivery and technology has changed tremendously in the past several decades. The practice of medicine has changed due to advances in medical technology and sometimes as a result of efforts to control the cost of health care. The delivery of care has shifted from a system which relied on inpatient hospitalization to increases in outpatient care.

Additionally, VA will see an increase in veterans age 65 or older in the next 10 years. By the year 2000, over 9 million veterans will fit this over-65 age category. This is an increase of 6 million from 1980. Our seniors tend to move to warmer climates once they retire. This has caused an influx of veterans into the so-called Sun Belt States. Yet these States lack the capacity to meet the demand for health-care services.

VA has experienced difficulties in attempts to modify the size or mission of VA facilities. These efforts are often met with substantial resistance from Members of Congress who represent those districts or States. A VA facility not only represents care and treatment to veterans but plays an important economic role in the community. Frankly, a VA facility means jobs—not only Federal ones but private sector support services as well.

There is no question in my mind that an independent review of the functions and missions of each VA facility is vitally needed. And a mechanism to remove political considerations from discussions of mission changes and consolidations is desperately needed. For these reasons, I believe that this is legislation whose time has come.

SUMMARY OF PROVISIONS

Because this bill is so closely modeled after the DOD base closure legislation, I will not go into detail on the specifics of each provision. I would, however, like to highlight a few specific points.

This bill would require the Secretary of Veterans Affairs to establish a commission to review VA medical facilities to determine if realignments or mission changes are needed. This Commission—which is required to be established within 45 days after enactment—would be comprised of between 9 and 12 members. The Secretary has the complete discretion to name members of the Commission; however, certain expertise is required to be represented. For example, the bill requires representatives of the following organizations to be on the Commission: Department of Defense, Association of American Medical Colleges, VA's Special Medical Advisory Group, Health and Human Services, and veterans' service organizations. Other members should have expertise or experience in management of health service in the private sector, health-care economics, health-care policy, VA medical care, long-term care, and rural health-care services.

This bill would require that the Secretary approve or disapprove—without change—all the recommendations contained in the report which is required to be submitted to the Secretary. There would be no discretion to approve a partial list or modify any recommendations. Basically, it is an "all-or-nothing" proposition. Unless a joint resolution disapproving the recommendations is enacted by Congress within a specified deadline, the Secretary is required to begin implementation efforts within a year after receipt of the report and complete those actions within 3 years.

CONCLUSION

I urge my colleagues to support this very important legislation. I look forward to working with Senator ALAN CRANSTON, and the other committee members, on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1332

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 "Department of Veterans Affairs Medical Facilities Realignment Act of 1989".

SEC. 2. REALIGNMENT AND MISSION CHANGES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall—

(1) within 45 days after the date of the enactment of this Act, issue a charter establishing the Commission provided for in section 4 and containing the terms, conditions, and mandates for its operation to achieve its objectives under this Act, including provision for the appointment of staff and any other support and expenses the Commission considers necessary;

(2) realign all medical facilities recommended for realignment by the Commission in the report to the Secretary of Veterans Affairs pursuant to the charter establishing the Commission;

(3) change the major missions of medical facilities as recommended by the Commission in its report to the Secretary; and

(4) initiate all such realignments and major mission changes not later than one year after receipt of the Commission's report by the Secretary, and complete all such realignments and all actions required for such mission changes not later than three years after receipt of such report by the Secretary.

SEC. 3. CONDITIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs may not carry out any realignment or major mission change of any medical facility under this Act unless—

(A) not later than 15 days after receiving the report referred to in section 2, the Secretary of Veterans Affairs transmits to the Committees on Veterans Affairs of the Senate and the House of Representatives a report containing a statement that the Secretary has approved, and the Department of Veterans Affairs will implement, all of the medical facility realignments and major mission changes recommended by the Commission in that report; and

(B) the Commission has recommended, in the report referred to in section 2, the realignment or major mission change as the case may be, of the medical facility, and has transmitted to the Committees on Veterans Affairs of the Senate and the House of Representatives a copy of the report and the statement required by section 4(d)(2)(B).

(2) The Secretary may not initiate any realignment or major mission change recommended by the Commission in the report referred to in section 2 within 45 days after the committees referred to in paragraph (1) receive the Secretary's report pursuant to such paragraph.

(b) JOINT RESOLUTION.—The Secretary of Veterans Affairs may not carry out any realignments or major mission changes under this Act if, within 45 days after the committees receive the Secretary's report under subsection (a)(1), a joint resolution is enacted, in accordance with the provisions of section 9, disapproving all the recommendations of the Commission. The days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the 45-day period.

SEC. 4. THE COMMISSION ON MEDICAL FACILITY REALIGNMENT AND MAJOR MISSION CHANGE.

(a) NAME OF COMMISSION.—The Commission established pursuant to the charter issued by the Secretary of Veterans Affairs pursuant to section (2)(a)(1) shall be known as the "Commission on Medical Facility Realignment and Major Mission Change".

(b) MEMBERSHIP.—The Commission shall be appointed by the Secretary of Veterans Affairs and shall consist of not less than 9 and not more than 12 members, as follows:

(1) One member from among persons, if any, nominated by the Association of American Medical Colleges.

(2) One member from among persons knowledgeable about sharing Department of Veterans Affairs and Department of Defense health-care resources who are nominated by the Secretary of Defense.

(3) One member who is a member of the special medical advisory group established pursuant to section 4112(a) of title 38, United States Code.

(4) One member from among persons, if any, nominated by veterans service organizations chartered by Congress.

(5) One member from among persons knowledgeable about the Medicare and Medicaid programs who are nominated by the Secretary of Health and Human Services.

(6) The remaining members from among persons who, by reason of education, training, and experience, are experts in (A) the management of health services in private enterprise, (B) health care economics, (C) health care policy, (D) medical care furnished by the Veterans Health Services and Research Administration, except that no such member may be an employee of the Department of Veterans Affairs, (E) long-term health care services, and (F) rural health care services.

(c) CHAIRMAN AND VICE CHAIRMAN.—The Secretary of Veterans Affairs shall designate a Chairman and Vice Chairman from among the members of the Commission.

(d) DUTIES.—The Commission shall—

(1) transmit the report referred to in section 2(a) to the Secretary within one year after the date of the enactment of this Act and shall include in such report the Commission's recommendations regarding the medical facilities to which functions should be transferred as a result of the realignments and major mission changes recommended by the Commission; and

(2) on the date on which the Commission transmits such report to the Secretary, transmit to the Committees on Veterans Affairs of the Senate and the House of Representatives—

(A) a copy of such report; and

(B) a statement certifying that the Commission has reviewed all medical facilities, including all medical facilities under construction and all those planned for construction, and has identified the medical facilities recommended for realignment or major mission changes.

(e) STAFF AND SUPPORT.—Not more than one-fourth of the professional staff of the Commission shall be individuals who have been employed by the Department of Veterans Affairs within one year before the date of the enactment of this Act.

(f) RECORDS AND MEETINGS.—(1) The records, documents, and other materials prepared by or for the Commission are not subject to section 552 of title 5, United States Code.

(2) Meetings of the Commission are not subject to the provisions of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 5. IMPLEMENTATION.

(a) IN GENERAL.—In realigning or changing the major mission of a medical facility under this Act, the Secretary of Veterans Affairs, subject to the availability of funds, including funds in the Account—

(1) may carry out actions necessary to implement such realignment or major mission change, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from such medical facility to another medical facility;

(2) may provide—

(A) economic adjustment assistance to any community located near a medical facility being realigned or whose major mission is to be changed, and

(B) community planning assistance to any community located near a medical facility to which functions will be transferred as a result of such realignment or major mission change,

if the Secretary determines that such assistance is needed and that the financial resources available to the community (by grant or otherwise) for economic adjustment and community planning are inadequate; and

(3) subject to the availability of funds referred to in clause (1), may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Veterans Affairs, with respect to excess and surplus property located at a medical facility realigned under this Act—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall exercise authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing utilization of excess property and disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary of Veterans Affairs, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary of Veterans Affairs by the Administrator of General Services shall not include the authority to prescribe general policies and methods

for utilizing excess property and disposing of surplus property.

(D) Before any action may be taken with respect to the disposal of any surplus real property at a medical facility in connection with a realignment under this Act, the Secretary of Veterans Affairs shall consult with the Governor of the State and heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) The provisions of this paragraph and paragraph (1) are subject to paragraphs (3) and (4).

(3)(A) Before any action is taken with respect to the disposal or transfer of any real property at a medical facility in connection with a realignment or major mission change under this Act, the Secretary of Veterans Affairs shall notify all other departments, agencies, and instrumentalities (including nonappropriated fund instrumentalities) of the United States Government of the availability of such property, or portion thereof, and may transfer such property or portion, without reimbursement, to any such department, agency, or instrumentality. In carrying out this paragraph, the Secretary shall give a priority, and shall transfer, to any such department, agency, or instrumentality that agrees to pay fair market value for the property or portion. For the purposes of this paragraph, the fair market value shall be the fair market value as of the date of the transmittal to the Secretary of the report referred to in section 2(a).

(B) This paragraph shall take precedence over any other provision of this Act or other provision of law with respect to the disposal or transfer of any real property at a medical facility in connection with a realignment or major mission change under this Act.

(4)(A) Except as provided in subparagraph (B), all proceeds—

(i) from any transfer under paragraph (3), and

(ii) from the transfer or disposal of any other property made as a result of a realignment or major mission change under this Act,

shall be deposited into the Account.

(B) In any case in which the General Services Administration is involved in the management or disposal of such property, the Secretary of Veterans Affairs shall reimburse the Administrator of General Services from the proceeds of such disposal, in accordance with section 1535 of title 31, United States Code, for any expenses incurred in such activities.

SEC. 6. WAIVER.

The Secretary of Veterans Affairs may carry out this Act without regard to—

(1) any provision of law restricting the authority of the Secretary or the use of funds for realigning medical facilities or changing the major missions of medical facilities, other than any provision of this Act;

(2) any provision of title 38, United States Code; and

(3) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 7. REPORTS.

As part of each annual budget request for the Department of Veterans Affairs, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives—

(1) a schedule of the realignment or major mission change actions to be carried out under this Act in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such realignment or major mission change and of the time period within which such cost savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(2) a description of the medical facilities, including those under construction and those planned for construction, to which functions are to be transferred as a result of such realignments or major mission changes, together with the Secretary's assessment of the environmental effects of such transfers.

SEC. 8. FUNDING.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the "Department of Veterans Affairs Medical Facility Realignment Account" which shall be administered by the Secretary of Veterans Affairs as a single account.

(b) DEPOSITS TO THE ACCOUNT.—There shall be deposited into the Account—

(1) funds appropriated to the Account for fiscal years beginning after the date of the enactment of this Act;

(2) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Veterans Affairs for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives; and

(3) proceeds described in section 5(b)(4)(A).

(c) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 5(a).

(2) When a decision is made to use funds in the Account to carry out a major medical facility project (as defined in section 5004(a)(3)(A) of title 38, United States Code) under section 5(a)(1) of this Act, the Secretary shall notify in writing the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives of the nature of, and justification for, the project and the amount of expenditures for such project.

(d) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, the Secretary shall transmit to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives a report on the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 5(a) during such fiscal year.

(e) FINAL ACCOUNTING AND CERTIFICATION.—When the Secretary completes all actions necessary for the realignments and major mission changes required pursuant to this Act, the Secretary shall—

(1) transmit to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives a report containing an accounting of—

(A) all funds deposited into and expended from the Account or otherwise expended under this Act; and

(B) any amount remaining in the Account; and

(2) transmit to the Secretary of the Treasury a certification that all such actions have been completed.

(f) DISPOSITION OF UNOBLIGATED FUNDS.—Upon receipt of a certification pursuant to subsection (e)(2), the Secretary of the Treasury shall transfer all unobligated funds remaining in the Account to the miscellaneous receipts account in the United States Treasury.

SEC. 9. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 3(b), the term "joint resolution" means only a joint resolution—

(1) which is introduced within 45 days after the date on which the committees referred to in section 3(a) receive a report by the Secretary of Veterans Affairs pursuant to section 3(a)(1)(A), and—

(2) which does not have a preamble;

(3) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Medical Facility Realignment and Major Mission Change established by the Secretary of Veterans Affairs as submitted to the Secretary of Veterans Affairs on _____," the blank space being appropriately filled with the date; and

(4) the title of which is as follows: "A joint resolution disapproving the recommendations of the Commission on Medical Center Realignment and Major Mission Change".

(b) REFERRAL.—A resolution described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Veterans Affairs of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Veterans Affairs of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) within the 45-day period beginning on the date on which such resolution is introduced, such committee shall be discharged from further consideration of such resolution as of the day after the last day of such period, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 10. DEFINITIONS.

In this Act:

(1) The term "Account" means the Department of Veterans Affairs Medical Facility Realignment Account established by section 8 of this Act.

(2) The term "major mission change" means any substantive change in clinical programs or patterns of delivery of medical care at a medical facility, or part thereof, pursuant to the terms and limitations contained in the charter referred to in section 2(a).

(3) The term "medical facility" means a Department of Veterans Affairs facility referred to in section 601(4)(A) of title 38, United States Code.

(4) The term "realignment" means closure, consolidation, and any other action which both reduces and relocates functions and civilian personnel positions.●

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1333. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL AIR TRANSPORTATION COMPETITION ACT AMENDMENTS

Mrs. KASSEBAUM. Mr. President, I am introducing this bill to address an injustice that has developed out of current law. This language would repeal language in the International Air Transportation Competition Act of 1979 pertaining to air carrier service at Dallas Love Field.

The distinguished Republican leader, Senator DOLE, joins me in offering this bill, which is a companion measure to a bill introduced today in the House of Representatives by Congressman DAN GLICKMAN and supported by the entire Kansas House delegation. This bipartisan support reflects a broad recognition of the anticompetitive situation that has developed because of this section of law and indicates a willingness among Kansans to try to resolve the unfairness of this situation.

The longstanding debate over air service to Love Field has addressed the consequences of placing legislative limits on service to and from this airfield. Ten years ago, a section was included in the International Air Transportation Competition Act to prohibit commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. This effectively limits travel into and out of this airfield to only destinations in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico.

Air carriers originating from all other States, must fly into the Dallas-Forth Worth airport in order to have access to the highly traveled Dallas area. This restriction applies as well to any carrier that provides connecting service within one of the four contiguous States to an aircraft that originated in any other State. Two separate, one-way tickets are required for such connecting flights if they want to land at Love Field. Clearly, the restrictions have made it prohibitive to land at this airfield.

Upon close examination, it is evident that this has led to higher air fares for some segments of the United States and lower air fares for others, regardless of the distance traveled and the populations served. For example, the cost to travel round-trip from Wichita, KS, to Dallas on Delta or American Airlines is $520 for an unrestricted ticket. The same round-trip ticket from New Orleans, which is 88 miles further away from Dallas, is only $138 weekdays, and $164 weekends. This is just one example of the degree of control that major air carriers currently have over air fares from points originating outside of the restricted zone.

Kansas is not alone in this problem. Fare discrepancies similar to the above exist in many of the markets where major carriers serve Dallas, but where Southwest does not. This leaves States just beyond the borders of the Texas-contiguous States, such as Colorado, Missouri, Tennessee, and Mississippi, which, like Kansas, could be subject to higher fares to Dallas than their neighbors even though the distance traveled is less. Such unfairness, Mr. President, cannot be allowed to continue.

Southwest Airlines is currently the only commercial air carrier providing jet service to Love Field. Since Southwest can not provide direct service to any point beyond the four contiguous States, American and Delta have little reason to reduce their fares to other outside destinations. The fact that fares to Dallas on American and Delta are so low for those points which Southwest serves speaks to the need for removing the 10-year-old restriction on Love Field.

To allow this situation to continue would be to condone anticompetitive law and to encourage discrimination against many for the benefit of a few. In this time of deregulation, I believe it is essential to encourage competition within the transportation community in order to protect the interests of the traveling public. The case with Love Field is no different than that of all the other small airfields across the country, none of which are restricted based on their location. Love Field has been subject to this unique statute for the last 10 years, and it is time to close this loophole.

It is important to add that Southwest Airlines is buying a new, quieter generation of aircraft, so the noise problems associated with large aircraft should be somewhat less at Love Field in the future than at many other airports in the country.

Mr. President, it is time to take a positive step to further the benefits of deregulation. I urge my colleagues to support this effort in order to eliminate this special-interest section of law.

Mr. DOLE. Mr. President, today I join my distinguished colleague NANCY KASSEBAUM as an original cosponsor of legislation that will correct a provision of the International Air Transportation Competition Act and restore what Congress meant when it passed the Airline Deregulation Act of 1978.

Today air travelers from Kansas are at a distinct disadvantage when it comes to competitive air fares to and from Dallas, TX. Southwest Airlines, a low cost carrier, is prohibited by law from traveling to and from Love Field except through the four States contiguous to Texas' borders. Direct service is permitted from Dallas to New Orleans, for instance, but not to Wichita which is closer to Dallas than New Orleans.

In addition, Mr. President, a traveler from Wichita cannot purchase a connecting or through ticket to Dallas Love Field on Southwest Airlines. In order to travel there now, a Wichita traveler must get off the plane, say in Tulsa, OK, purchase a new ticket to Dallas and get back on another plane—all at an incredible cost and a terrific inconvenience. I also understand that joint ticketing is prohibited with other air carriers.

This all translates into an extremely anticompetitive situation. Air fares between Dallas and Wichita are several hundred dollars above what they are in those markets where Southwest Airlines competes with other airlines. Congress did not intend that there be islands of noncompetition when it passed the Airline Deregulation Act of 1978. There is a ready and willing market in and around Wichita for competitive air service. It is time that this unreasonable and arbitrary barrier be removed.

By Mr. BENTSEN:

S. 1335. A bill to temporarily suspend the duty on certain furniture and seats; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CERTAIN FURNITURE AND SEATS

● Mr. BENTSEN. Mr. President, today I introduce a bill to suspend temporarily the import duties on rattan, wicker, and buri furniture and furniture parts. This bill is substantially similar to a bill I introduced last session and is identical to H.R. 1184, which was introduced in the House this session by Mr. ANDREWS.

In 1988, $201.7 million in rattan, wicker, and buri furniture and furniture parts was imported into the United States. Although the current rate of duty on importation of these products from nations with most-favored-nation status is 7.5 percent, until recently much of these products were imported duty-free because they were exported primarily from developing countries qualifying for duty-free treatment under the generalized system of preferences. However, GSP benefits for rattan, wicker, and buri furniture and furniture parts imported from Taiwan, one of the primary exporters, terminated in 1987, and GSP benefits for such products exported from Hong Kong terminate this year. Thus, unless this bill is enacted and duties are temporarily suspended, U.S. importers and sellers of these products will continue to face a significant increase in their costs.

There appears to be no significant U.S. production of furniture that would compete with the products covered by this bill. Thus, the suspension should have no adverse impact on domestic industry, and duty suspension is warranted.

In sum, Mr. President, I believe that this legislation is needed and noncontroversial, and I urge my colleagues to support it. I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1335

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

SECTION 1. CERTAIN FURNITURE AND SEATS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"9902.90.95	Furniture, seats, and parts thereof, of cane, osier, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25)	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1336. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Committee on Indian Affairs.

FLORIDA SEMINOLE INDIAN ACT OF 1989

● Mr. GRAHAM. Mr. President, today Senator MACK and I are introducing legislation on behalf of the Seminole Indians of Florida with respect to a dispute that has arisen between the Seminole Tribe of Florida and the Oklahoma Seminole Nation.

In the early 19th century, the Federal Government relocated the Seminoles from Florida to Oklahoma; however, an undetermined number of Seminoles fled to the Everglades during the relocation effort. The descendants of these two groups today make up the Florida and Oklahoma Seminoles.

The dispute between the two groups concerns the allocation of funds awarded in 1976 by the Indians Claims Commission for land taken by the Federal Government in 1823. The Commission awarded a $15 million judgment to the Seminole Nation as it existed in Florida on September 18, 1823. With accumulated interest, the award now totals $45 million and is being held in trust pending settlement of this dispute.

The Oklahoma delegation to Congress has introduced legislation strongly favoring the Oklahoma Seminoles by awarding them 75 percent of the judgment. However, this proposal is based on inadequate population data and ignores the fact that the Oklahoma tribe has already received substantial compensation in treaty negotiations, land awards, and health, education, and social service benefits that the Florida tribe never received.

Mr. President, Senator MACK and I believe that the legislation we are introducing today, the Florida Seminole Indian Act of 1989, will provide a more equitable division of the judgment. While it is still possible that this dispute can be resolved administratively by the Bureau of Indian Affairs, we are prepared to pursue a legislative solution to ensure the fair treatment of the Seminole Tribe of Florida.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

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

S. 1336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Florida Seminole Indian Act of 1989".

SEC. 2. Notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401, et seq.), or any other law, regulation, or plan promulgated pursuant thereto, the funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission shall be used and distributed as provided in this Act.

SEC. 3 (a) The funds appropriated with respect to the judgments awarded the Seminole Indians in Dockets 73 and 151 of the Indian Claims Commission (less attorney fees and litigation expenses previously paid), including all interest and investment income accrued thereon, are allocated as follows:

(1) 50 percent of such funds shall be allocated among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida in accordance with subsection (b), and

(2) 50 percent of such funds are allocated to the Seminole Nation of Oklahoma.

(b)(1) The funds that are required under subsection (a)(1) to be allocated among the Seminole Tribe of Florida, the Miccouskee Tribe of Indians of Florida, and the inde-

pendent Seminole Indians of Florida and all of the funds appropriated with respect to the judgment awarded the Seminole Indians in Docket 73-A (less attorney fees and litigation expenses previously paid), including all interest and investment income accrued thereon, are allocated as follows:

(A) the Seminole Tribe of Florida, 77.20 percent;

(B) the Miccosukee Tribe of Indians of Florida, 18.16 percent; and

(C) the independent Seminole Indians of Florida (as a group), 4.64 percent.

SEC. 4. The funds allocated to each Indian tribe or group under section 3 are hereby declared to be held in trust by the United States for the benefit of such Indian tribe or group.

SEC. 5. (a) A plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma under section 3(a) of this Act may be prepared by the governing body of the Seminole Nation of Oklahoma in consultation with the Secretary of the Interior within the 180-day period beginning on the date of enactment of this Act. The Secretary shall, upon completion of such a plan, submit the plan to the Congress, together with recommendations regarding approval of the plan and the reasons for such recommendations.

(b) If, by the close of the 180-day period described in paragraph (1), a plan has not been prepared by the Seminole Nation of Oklahoma as provided in paragraph (1), the Secretary, in consultation with the Seminole Nation of Oklahoma, shall prepare and submit a plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma under section 3(a) to the Congress for approval by no later than the date that is 180 days after the close of the 180-day period described in paragraph (1). A copy of the plan prepared by the Secretary under this paragraph shall be furnished to the Seminole Nation of Oklahoma at the time the plan is submitted to the Congress.

(c) Any plan for the investment, use, or distribution of any funds allocated that is prepared under this section shall account for common needs, educational requirements, and other long-term economic and social interests of the tribe. In consultations undertaken in the formulation of plans under this section, the Secretary shall encourage use of funds for economic development purposes, when appropriate.

SEC. 6. (a) Investment decisions made by the Seminole Nation under a plan established under section 5 shall be subject to the approval of the Secretary. Such approval shall be granted unless the Secretary determines, and notifies the Seminole Nation in writing, that the investment would not be reasonable or prudent or would otherwise not be in accord with the provisions of this Act.

(b) Neither the United States nor the Secretary shall be liable for any losses in connection with any investment decision that is approved by the Secretary under subsection (a).

SEC. 7. The Secretary shall pay the governing body of the Seminole Tribe of Florida such portion of the amount held in trust for that tribe under section 3 of this Act to be allocated or invested as the tribal governing body determines to be in the economic or social interest of the tribe within 60 days after submission of an appropriate resolution by the tribal governing body.

SEC. 8. Notwithstanding any other provision of this Act, no plan for the use and distribution of the share of the funds allocated to the Miccosukee Tribe of Indians of Florida shall be prepared or implemented and no funds allocated to the Miccosukee Tribe of Indians of Florida shall be distributed to the tribe, its members, or any other person unless such plan or distribution is duly authorized by the General Council of the Miccosukee Tribe or by a referendum vote of the members of the tribe duly called by the General Council of the tribe at which a negative vote is permitted. Such funds (and the interest therefrom) shall be held in trust by the United States and invested as provided in the Act of June 24, 1938 (52 Stat. 1037) as amended (25 U.S.C. 162a), except that part or all of the amount may from time to time be paid to the governing body of the Miccosukee Tribe of Indians of Florida as may be authorized under this section.

SEC. 9. (a) The Secretary shall invest the funds allocated to the independent Seminole Indians of Florida (as a group) under section 3 in accordance with subsection (a) of the first section of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until the date on which the funds are distributed under subsection (c) or as may be otherwise provided for under subsection (d).

(b)(1) Under regulations prescribed by the Secretary, the Secretary shall compile a roll of those independent individuals of Seminole Indian lineal descent who—

(A) were born on or before, and are living on, the date of enactment of this Act,

(B) are listed on or are lineal descendants of persons listed on the annotated Seminole Agency Census of 1957 as independent Seminoles, and

(C) are not members of an Indian tribe recognized by the Secretary on the most recent list of such Indian tribes published in the Federal Register.

(2) All determinations in the preparation of the roll under paragraph (1) of this subsection shall be based on timely applications for inclusion on the roll supported by evidence satisfactory to the Secretary.

(c) As soon as practicable after the roll required under subsection (b) has been compiled, the funds allocated to the independent Seminole Indians of Florida (as a group) under section 3, including all interest and investment income accrued thereon to the date of payment, except as provided for in subsection (d), shall be distributed on a per capita basis, in payments as equal as possible, to all independent Seminole Indians of Florida enrolled under subsection (b) who make timely application to the Secretary.

(d) In the event of Federal recognition of the independent Seminole Indians of Florida as a Tribe, band, or organization prior to the per capita distribution required by subsection (c), the governing body may request that their funds be retained or disbursed in a similar manner as the Miccosukee Tribe of Indians of Florida for use in supporting tribal governmental programs.

(e) Any person otherwise eligible for a per capita payment except for membership in the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida subsequent to the Seminole Agency Census of 1957 shall have the option to relinquish their membership in favor of the per capita payment or subject to the approval of the tribe, retain their membership by authorizing their per capita share to be paid to the account of the respective tribe.

(f) Acceptance of a per capita share shall not be construed as extinguishing any individual right, title, interest, or claim to lands or natural resources in the State based on use or occupancy or acquired under Federal or State law by any individual Indian which is not derived from or through the tribes, their predecessors, or some other American Indian tribe.

SEC. 10. None of the funds held in trust by the United States under this Act (including interest and investment income accrued on such funds while such funds are held in trust by the United States), and none of the funds made available under this Act for programs, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita payments in excess of $2,000, any other Federal program or Federally assisted program.●

By Mr. GRAHAM:

S. 1337. A bill to establish a Mildred and Claude Pepper Scholarship Program; to the Committee on Labor and Human Resources.

MILDRED AND CLAUDE PEPPER SCHOLARSHIP PROGRAM

● Mr. GRAHAM. Mr. President, today I am introducing the Mildred and Claude Pepper Scholarship Act which authorizes a $500,000 program of scholarships to secondary school students to participate in civic education programs here in the Nation's Capital.

This new scholarship program was very important to our friend and colleague, the late Congressman Claude Pepper. It was his desire that the scholarships be awarded to the hearing impaired and other disadvantaged or disabled secondary students, and that the program be administered by the Washington Workshops Foundation. Senator Pepper personally contacted Members of the House and Senate last year to ask for an authorization for the program to be named after his wife, Mildred.

Senator Pepper was instrumental in founding the Washington Workshops Congressional Seminar in 1968. The Congressional Seminar Program is the oldest such program on Capitol Hill and has been responsible for bringing over 30,000 high school students to Washington to learn about and participate in Government. Since that time, the Washington Workshops has established a Congressional Internship Program as well as a Diplomacy seminar. Pepper scholarship recipients would be eligible to participate in each of these programs.

These programs offer an invaluable and unique opportunity for citizenship education for our Nation's young people. The Pepper Scholarship Program would extend this opportunity to the handicapped student who would not otherwise be able to participate through his or her own means.

I am pleased to join with Congressmen PAT WILLIAMS and JOE MOAKLEY who have sponsored identical legislation in the House, H.R. 2666. On July

12, their bill was unanimously reported from the Postsecondary Education Subcommittee of the House Education and Labor Committee. It is my hope that the Senate Labor and Human Resources Committee will act expeditiously and that the full Senate will have the opportunity to consider this proposal in the near future.

Before his passing, Senator Pepper had worked diligently to authorize and fund this program. It is fitting that we honor his memory by ensuring that his request is fulfilled this year. I believe the Mildred and Claude Pepper Scholarship Program will serve as a lasting tribute to him and the ideals he championed throughout his lifetime of public service. I strongly urge my colleagues to lend their support to this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1337

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 "Mildred and Claude Pepper Scholarship Act".

SEC. 2. PROGRAM AUTHORITY.

From the sums appropriated pursuant to section 3, the Secretary of Education is authorized to make grants to the Washington Workshops Foundation for the purpose of establishing and maintaining the Mildred and Claude Pepper Scholarship Program.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $500,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992.●

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. THURMOND, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 137

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees and for other purposes.

S. 478

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 727

At the request of Mr. HEFLIN, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 779

At the request of Mr. COCHRAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 779, a bill to minimize the impact of agricultural nitrogen on ground water and surface water quality by establishing a nationwide educational program aimed at American farmers, to urge the adoption of agricultural best management practices, and for other purposes.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 963

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 963, a bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes.

S. 973

At the request of Mr. LUGAR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 973, a bill to create a Rural Capital Access Program within the Department of Agriculture to encourage lending institutions to provide loans to certain businesses, and for other purposes.

S. 975

At the request of Mr. METZENBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 975, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

S. 1126

At the request of Mr. BUMPERS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 1126, a bill to provide for the disposition of hardrock minerals on Federal lands, and for other purposes.

S. 1173

At the request of Mr. CHAFEE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1173, a bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures.

S. 1199

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1199, a bill to amend the Social Security Act to improve Medicare and Medicaid payment levels to community health clinics.

S. 1227

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1227, a bill to amend the Arms Control Act and the Export Administration Act of 1979 to restrict proliferation of missiles and missile equipment and technology.

S. 1232

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania [Mr. HEINZ] 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. 1299

At the request of Mr. SPECTER, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1299, a bill to establish a Police Corps program.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 171

At the request of Mr. GRASSLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 171, a joint resolution proposing an amendment to the Constitution of the United States relative to the display and care of the flag of the United States of America.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the names of the Senator from California [Mr. WILSON] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics and technology education should be a national priority.

AMENDMENT NO. 268

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of amendment No. 268 proposed to S. 1160, an original 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.

SENATE RESOLUTION 154—RELATING TO THE "KOREAN FIGHTER PROGRAM"

Mr. HEINZ (for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, and Mr. HELMS) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas the United States has a large trade deficit with the Republic of Korea, more than $10 billion in 1988;

Whereas the Government of the Republic of Korea has pledged to do its utmost to take appropriate measures to open its markets to United States industries in an effort to reduce its trade surplus with the United States;

Whereas the agreement to co-produce the "Korea Fighter Program" (KFP) requires the United States firm awarded the contract by the Government of the Republic of Korea to "offset" over an extended period of time 60 to 70 percent of $2.5 billion value of the contract in Korean aerospace products, amounting to approximately $1.8 billion, or nearly one-fifth of the 1988 United States trade deficit with the Republic of Korea;

Whereas the Government of the Republic of Korea has admitted that its intent in entering into the co-production of the "Korean Fighter Program" is not simply related to national security considerations, but also includes acquiring United States aerospace technology in order to develop an indigenous aerospace capability;

Whereas the "Korean Fighter Program's" impact on the United States industrial base is not known; and

Whereas the United States Government's interagency coordinating and negotiating process has once again failed to take into consideration United States economic security concerns: Now, therefore, be it

Resolved, That the Senate strongly objects to—

(1) the inclusion of offset provisions in the government-to-government memorandum of understanding governing the proposed co-production by the United States and the Republic of Korea of the "Korea Fighter Program";

(2) the transfer to the Republic of Korea's commercial aerospace industry of United States aerospace technology and applied technology derived from the "Korea Fighter Program"; and

(3) the failure of the Executive branch to adhere to sections 824 and 825 of the National Defense Authorization Act, Fiscal 1989 (Public Law 100-456 September 29, 1988), relating to coordination of the negotiation of defense memoranda of understanding.

(c) It is the sense of the Senate that the President should instruct the Secretary of Defense to postpone the signing of the government-to-government memorandum of understanding regarding the Korean Fighter Program until—

(1) a thorough review of the "Korean Fighter Program" is conducted by the Comptroller General of the United States in consultation with appropriate officials pursuant to sections 824 and 825 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456); and

(2) a report is submitted within 60 days of source selection by the Republic of Korea to the chairmen of the Committees on Foreign Relations and Armed Services assessing—

(A) any negative or positive affects of the "Korean Fighter Program" on the United States industrial base in light of the Republic of Korea's publicly stated objective to utilize the Program to develop an indigenous commercial aerospace industry;

(B) any negative or positive affects of the "offset" provisions of the proposed "Korean Fighter Program" on the United States trade deficit with the Republic of Korea and its detrimental affects on U.S. or third country suppliers; and

(C) the extent of implementation of the United States Government's interagency coordinating and consulting process as called for in sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), and any negative or positive aspects thereof.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. HEINZ. Mr. President, I take the time of the Senate today in the hope of forestalling a repeat of the FSX-like controversy. In this regard, I am reminded what the great philosopher George Santayana said, "Those who cannot remember the past are condemned to repeat it." I have often misquoted it by saying those who do not profit from the lessons of history are condemned to relive it. They wrote the real words in the life of reason and I hope for the life of me that reason prevails in this particular case.

A little over a month ago, on June 8, Senator DIXON of Illinois first raised the specter of the U.S. Government entering into an agreement with the Government of Korea to coproduce some 120 upgraded either F-16's or F-18's. At that time, Senator DIXON spoke very eloquently reminding us of the mistakes that were being made on another controversial deal and that was, of course, the United States-Japan agreement to codevelop the FSX. He reminded us that unlike the FSX deal which was presented to the Senate as a foregone conclusion, a memorandum of understanding had been signed back in November of last year by the outgoing Reagan administration; there is, as yet, no signed agreement regarding the United States and Korea fighter program. I have called this program son of FSX as a shorthanded way of referring to it.

My own investigation since June 8 has revealed the outlines of a deal which in its own way may not be, insofar as we know, in the best interest of the United States and because a delegation from the South Korean Ministry of Defense is scheduled to meet with Secretary Cheney today, Monday the 17, to continue negotiations on an MOU, a memorandum of understanding, the purpose of which is to get an agreement on the whereases of coproducing this new fighter aircraft. Frankly, it is that meeting here today and this week that propels me with a sense of urgency and compels me to take action.

Let me begin with a description, insofar as we know any of the details of the proposed agreement.

The Korean fighter program, or KFP, began about 5 years ago with a search for follow-on aircraft to supplement Korea's F-16's. The Koreans narrowed their search to three U.S. fighters: General Dynamics' F-16, McDonnell Douglas' F-18 and Northrop's F-20 and the first two, the F-16 and F-18, were chosen for the runoff.

This decision was a direct result of the Blue House. That is South Korea's equivalent of our White House, Mr. President, it was their decision in late 1970's to create an indigenous aerospace manufacturing industry.

Korean officials have never left any doubts about their intentions regarding the Korean fighter program as an essential building block in their long-term strategy of developing this indigenous aerospace manufacturing industry.

And on the Korean side Samsung, the company that drove the United States out of the microwave oven market, as was noted earlier by Senator DIXON, was selected by the Korean Blue House to jump start Korea's indigenous aerospace industry.

In the years since the decision, Korea has gained invaluable experience by building parts of the F-16, for example, the wet center fuselage section, doing piecework for the Boeing 747, and assembling the McDonnell Douglas MD-500 and F-5, so they are not without some experience.

The Department of Defense originally and quite rightly urged the Koreans to buy a fighter off the shelf but they were rebuffed. The Koreans made it clear that in spite of the fact that we run a $10 billion trade deficit with Korea, in spite of the fact that we have many military stationed there aiding them in their defense, they had made a commitment to develop this indigenous aerospace industry of their own and that anything short of fulfilling that commitment was simply nonnegotiable. So, reminiscent of the FSX, our negotiators caved in. They caved in to Korean demands to develop a hands-on experience in producing these aircraft, and indeed our negotiators concluded, and I quote from offi-

cial DOD briefing materials, that "bending metal was not a problem for the Koreans." All that was required to give the Korean aerospace industry its aerospace technological capability was "management techniques and setting up an aircraft procurement system." Very simple.

The DOD negotiators succeeded, thankfully, in refusing Korea's demands for DOD to "buy back" the upgraded jet fighter, that is to say, Mr. President, the original Korean demand was that we teach the Koreans how to produce these fighters and then we have to buy-any amount at least equal to any benefits that might accrue, and we have to displace, by purchasing those finished fighters, our own manufacturers from whom we might otherwise buy.

That, as I say thankfully was avoided. But our negotiators, on the other hand, did not succeed in turning back Korean demands for a so-called offset provision, a policy that I will return to in a moment. An offset, however, is, while not a buyback, very similar to it.

The agreement that is under discussion—and I suppose negotiation—is this: that the U.S. Government is prepared to agree to a package that would total 120 new fighter aircraft. First, there would be manufactured in the United States by a U.S. firm some 12 finished aircraft, and the purpose of that is for DOD to teach the Koreans how to buy the aircraft, what to look for, and so forth, so that the Koreans have the know how to set up an aircraft procurement system. That is one of the things they do not really understand, but it is critical both to being good purchasers as well as being a good producer and seller.

Second, there would be provision from the United States firm selected of some 36 FMS kits for co-assembly, that is, in Korea, and then finally there would be some 72 aircraft licensed for coproduction in Korea, and there would be assistance by the United States firm selected in providing necessary technology, the know-how for the Koreans to build in Korea 72 aircraft.

The U.S. firm awarded the contract will receive between $1.8 billion, according to Department of Defense sources, and $3 billion according to industry sources, and that sounds like a very attractive deal. Obviously, all things being equal, we would not mind selling either $1.8 billion or $3 billion of goods and services to the Koreans as long as it did not prejudice the long run competitiveness of the aerospace industry in this country.

I will have more to say about that issue in a minute, but the firm awarded the contract must also agree to offset the amounts that I just mentioned by purchasing a comparable total in Korean products, most likely spare parts for aircraft in the winning firm's inventory.

According to Mr. Chung Tae Seung, who is the Director of the Ministry of Trade Industry's defense industry division, the Korean fighter program has two missions. One is national defense. That is understandable. And the other, according to him, is to make South Korea an aerospace, and I quote, "manufacturing center of the world."

Mr. President, I cannot quarrel with the honesty and directness of Mr. Chung Tae Seung. He lays it all out and we ought to listen as carefully as he has laid it out.

Other Korean Government officials, Mr. President, also boast that South Korea will have an aerospace industry that is world-class competitive in 10 years, according to a June 7 Wall Street Journal article. And whether that boast is realistic or not is not the issue and I do not choose to debate it here. The issue is the stated intention to use this program, the Korean fighter program, and its technological know-how as a springboard to develop an indigenous aerospace capability.

My view is that if the Koreans want to develop an aerospace industry, fine. If they can do it, that is their business. They are a free country. They have every right to compete in that industry. But we should not feel obligated to help them do it. Indeed, it is our fear that if this deal goes ahead, we will be part and parcel of helping them achieve their stated intent.

By the way, the Korean Government has said that the contract that they award will be awarded to the firm that fulfills both of those requirements, the national defense requirement and the requirement to help make their aerospace industry the manufacturing center of the world.

The Wall Street Journal also claims that United States firms are competing first for the right to teach the Koreans how to compete with them.

Mr. President, if the Wall Street Journal is correct, the attitude of U.S. firms is difficult to understand. In the February 1989 issue of the aerospace newsletter Facts and Perspective, the aerospace industry warns that cuts in research and development government funding "could hurt U.S. aerospace firms as they fight to maintain market share against a growing number of technically capable foreign competitors."

Mr. President, compared to the United States at this moment, South Korea may not yet be a technically capable foreign competitor, but it is precisely this attitude that the United States took toward VCR's, television sets, semiconductors, and microwave ovens, to mention a few, where we no longer have any production capacity worth mentioning. This industry is among the last technology frontiers in which the United States still has a significant, even commanding lead.

United States aerospace officials are concerned only about competition from Europe. Regarding Korea, and for that matter Japan, United States aerospace officials seem to see short-term benefits of cooperating with them, one more project to keep the production lines operating in the United States a little longer or perhaps from the Defense Department point of view, a slightly lower DOD per unit procurement cost.

I would suggest to the U.S. aerospace CEO's that they consult with their counterparts in what is left of the U.S. electronics industry sector. Last week the Washington Post carried an article with the headline "High Tech Firms Rethinking Foreign Ties: U.S. Companies Worry That Partners May Become Competitors Later."

Intel Corp., subject of the article, said that its deal to manufacture microprocessor chips with a Japanese company "was good for Intel but bad for the national interest."

Mr. President, that is some admission.

Another CEO said, "The United States is becoming a public service organization for worldwide industries: we innovate but others copy and capture the market.

In this regard, I am also troubled by DOD's argument to support its decision to coproduce the fighter. DOD does not believe that Korea will ever become a competitor because Jane's devotes a mere half-page to Korea's aerospace industry, 8 pages to Japan's, and over 200 to the United States aerospace industry.

Apparently, DOD is interested only in keeping the military cooperation program going as it did with the FSX, without regard to either trade or technology loss considerations as it did with the FSX. Quite frankly, the logic behind this reasoning dumfounds me. It would undoubtedly dumfound Santayana.

This lie of reasoning neglects measuring the commitment Korea has made to develop an aerospace industry, which is a critical thing. We have that $10 billion trade deficit with Korea. And in addition neither DOD nor for that matter Jane's has factored in national pride, a not intangible asset that we run into with more and more Asian developing countries who have committed themselves to modernize their economies and their societies.

Mr. President, let me just make one other comment regarding the trade surplus issue. In 1989 South Korea in spite of its $10 billion surplus was not targeted under super 301 based on commitments its Government made to open its markets to the United States as well to find areas for reducing the

trade imbalance. Clearly, neither our bilateral trade balance nor the competitive position of our aerospace industry can justify this deal and the offset connected to it.

Accordingly, I am submitting today along with Senator DIXON from Illinois and several other cosponsors a resolution calling on the President not to sign any agreement with Korea until the General Accounting Office has had time to do the following:

First, to review the proposed deal for its impact on the United States industrial base and the United States aerospace industry; second, to assess the impact of the offset clauses on the United States trade deficit with Korea and on suppliers in this country and on third countries; third, to assess the extent to which sections 824 and 825 of the Defense Authorization Act of 1988 have been implemented regarding these defense memorandums and MOU's, and the positive and negative aspects of their implementation.

Mr. President, with the imminent arrival of the Korean delegation for negotiations, time is of the essence, and I urge my colleagues to support this resolution.

I might add, Mr. President, that Senator DIXON and I are considering the possibility of offering this resolution as an amendment to the State Department authorization which is before this body.

With those remarks in mind, I will be sending the resolution to the desk and asking for its appropriate referral.

The PRESIDING OFFICER. Without objection, the resolution will be appropriately referred.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, will the Senator from Pennsylvania add the Senator from North Carolina as a cosponsor of the resolution?

Mr. HEINZ. Mr. President, I would be very pleased to add the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I commend the distinguished Senators from Pennsylvania and Illinois respectively. I agree with them wholeheartedly. This KFP deal as objectionable for at least three reasons. First, our friends in Korea are demanding that whatever United States firm may finally get the contract, we must buy a comparable amount of spare parts from the Koreans. This seems to me as objectionable not only because it would deprive American workers of jobs, but also because it would make the United States reliant on a foreign nation for the upkeep of our Air Force.

The second problem, as I see it, is that again, the Department of Defense has not even bothered to contact other Departments: Commerce and the USTR come to mind, as examples, as to the effects of such a deal as required by law. The Senators may remember this was one of the major problems with the FSX deal.

The third problem, as I see it, is once again the Koreans have said they are planning to use whatever they learn from the KFP Program in order to develop a civilian aerospace industry. Once again, the parallel of the FSX is entirely obvious.

I hope the administration has learned some lessons from the FSX fiasco, and that it will work with Congress in the consideration of the KFP deal with Korea.

Mr. DIXON. Mr. President, Senator HEINZ and I, together with a number of our colleagues, are today submitting a resolution urging the administration to postpone signing a memorandum of understanding on the Korean fighter program until some very basic but fundamentally important conditions are met.

The resolution's requirements are simple. It calls for no MOU to be signed until:

First. The General Accounting Office has had a chance to review the proposal; and

Second. The Secretary of Defense has reported to the Senate and House Armed Services and Foreign Relations Committees assessing the impact of the proposed sale on the United States industrial base, the United States-Korea balance of trade, and the interagency coordinating and consulting process for analyzing sales of this kind called for by last year's department of defense authorization bill.

The Korean fighter program involves 120 aircraft. As currently constituted, the agreement would include:

The sale of 12 aircraft.

The sale of 36 kits for coassembly; and

The coproduction of 72 aircraft.

Korea has not yet reached a decision on which American fighter it wants. Both the F-16 and F/A-18 are under consideration. However, an agreement covering either aircraft would likely cost between $1.8 and $3 billion. Since we had a trade deficit last year with Korea of over $10 billion, that may seem like a good idea. However, Korea wants "offsets" totalling at least 60 percent of the contract price, which dramatically reduces any favorable impact the agreement could have on our trade situation.

As my colleagues know, it was only a short while ago that Congress was considering the FSX fighter program for Japan. We adopted a strong joint resolution putting a number of restrictions on that sale. Congress viewed the FSX agreement with a skeptical eye for a number of reasons. The Korean fighter program needs the same skeptical review.

In the FSX sale, we are transferring major aerospace technology to Japan. It has been argued that we are getting important technology in return, but the GAO has made it clear that the United States would not receive any technology from Japan that we do not already have.

In the proposed Korean fighter sale, there is not even a pretense that we will receive any technology in return. The transfer is all one way—from the United States to Korea. Korea will be coproducing aircraft, not codeveloping them as in the FSX sale, which means the technology transfer involved in this sale is somewhat less. However, there is still very extensive technology transfer involved.

Japan has 307 fighter aircraft. Korea has 480. It is therefore much more cost effective for both countries to buy U.S.-built fighters off-the-shelf rather than to codevelop or coproduce their own. Both countries have refused to buy off-the-shelf, however, for the same reason—they want to develop their own domestic aerospace industries.

Korea has made it clear that development of their aerospace industry is a top priority. We do not have to rely on intelligence estimates to assess Korea's goals; the Korean Government itself has explicitly stated its objectives. According to Mr. Chung Tae Seung, the director of the defense industry division of the ministry of trade and industry, the Korean fighter program is designed to give South Korea world-class aerospace industry capabilities.

While both Japan and Korea want to compete with the United States in the aerospace area, there is an important difference between the two countries that we need to consider very carefully. Japan has a provision in its constitution that forbids it from maintaining offensive military forces, and longstanding Japanese Government policy forbids the export of arms. Korea has no such constitutional provision and no such policy with respect to arms exports. Reaching an MOU with Korea, therefore, will likely not only mean serious new competition for Boeing and other United States civilian aircraft manufacturers, it will likely also mean further proliferation in the manufacture of high-technology military weapons. The agreement could therefore contribute to the third world arms race that is already underway.

I think we must act to ensure Korean national security, Mr. President. That is why we have troops in Korea. Maintaining the peace in Korea is in our interest as well as theirs. I do not believe, however, that we should endanger our own industrial base and transfer vital aerospace technology to Korea just so the Koreans can use their military program to develop a major civilian aerospace industry. I do not believe that is in our national interest. I do not see how that

helps enhance either American national security or our economic competitiveness.

Once again, the Defense Department seems driven by short-term considerations. Once again, the Defense Department seems not to have pressed the American case for buying off-the-shelf strongly enough. In fact, the Defense Department's briefing material on the sale demonstrates a fundamental misunderstanding of our negotiating position. Its briefing paper states "the challenge to the U.S.-side was [to] walk the tightrope between dictating to an ally and going along with a program that it believed would not work." Unlike our Defense Department, I do not see how offering to sell United States-built high-performance fighters to Korea while refusing to sell them the manufacturing technology for those aircraft represents "dictating to an ally." In fact, by offering to sell first-line aircraft to Korea, we are demonstrating how important their national security is to us.

Korea, as I stated earlier, had a $10 billion trade surplus with the United States last year. Korea barely avoided being listed under the Super 301 provisions. Korea has made it clear that its drive for coproduction of fighter aircraft is not driven by national security needs, but by their desire to build an internationally competitive aerospace industry. Yet the Department of Defense proposes to give Korea vital U.S. aerospace technology, and to agree to huge offsets that will further enhance the development of their aircraft industry.

These facts warrant taking much stronger action than the delay and analysis we are proposing today. In fact, this resolution is the bare minimum that is necessary. The Koreans arrive today for talks with the Department of Defense. This resolution gives us a chance to send a message to both the Koreans and the administration that Congress intends to watch these negotiations very closely, and that Congress simply will not accept another sale that is not in our long-term economic and national security interests. I urge my colleagues, therefore, to join Senator HEINZ and me, and other colleagues. I urge the Senate to make its voice heard. This is the time we can be influential; this is the time to act.

I say in conclusion that I hope that Senator HEINZ and I and other colleagues can agree upon offering an amendment to the State Department authorization bill that is before us now to expedite the adoption of this resolution by amendment to the bill pending and to send word immediately to the administration.

I thank the President, and yield back my time.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT

PRESSLER AMENDMENT NO. 273

Mr. PRESSLER proposed an amendment 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:

At the appropriate place add the following new section:

SEC. . The Director of the United States Information Agency may enter into a contract for the construction of the Voice of America's Thailand radio facilities for periods not in excess of five years or delegate such authority to the Corps of Engineers of the United States Department of the Army, provided that there are sufficient funds to cover at least the Government's liability for payments for the fiscal year in which the contract is awarded plus the full amount of estimated cancellation costs.

FOWLER (AND OTHERS) AMENDMENT NO. 274

Mr. MOYNIHAN (for Mr. FOWLER, for himself, Mr. D'AMATO, and Mr. DECONCINI) proposed an amendment to the bill S. 1160, supra, as follows:

On page 7, between lines 2 and 3, insert the following new subsection:

(c) PROHIBITION.—None of the funds authorized to be appropriated under subsection (a)(3), may be obligated or expended for any United States delegation to any meeting of the Conference on Security and Cooperation in Europe (CSCE) or meetings within the framework of the CSCE unless the United States delegation to any such meeting includes individuals representing the Commission on Security and Cooperation in Europe.

HELMS AMENDMENT NO. 275

Mr. HELMS proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. REPORT ON A MONITORING SYSTEM FOR THE INF TREATY.

The Secretary of State is requested to report to the Senate by September 30, 1989, why the United States' Cargoscan x-ray monitoring system for the Intermediate-Range Nuclear Forces Treaty was not installed at the United States' Votkinsk Portal Monitoring Facility inside the Soviet Union by December 1, 1988, as provided for in the terms of the Treaty, and further, when the Cargoscan system will be operational at Votkinsk.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Report on a monitoring system for the INF Treaty.".

DOLE (AND OTHERS) AMENDMENT NO. 276

Mr. DOLE (for himself, Mr. MITCHELL, Mr. PELL, Mr. LUGAR, and Mr. HELMS) proposed an amendment to the bill S. 1160, supra, as follows:

At an appropriate place in the bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Stockholm Document of September 19, 1986, the first East-West security accord in more than ten years, brought into force significant confidence- and security-building measures in Europe.

(2) The United States has entered into the Negotiations on Confidence and Security Building Measures with the goal of a more stable and secure Europe.

(3) There negotiations have focused on measures to reduce mistrust and misunderstanding about military capabilities and intentions by increasing openness and predictability in the military environment.

(4) The Congress supports President Bush's efforts to make progress in all areas of arms control and supports his recent initiatives in the area of conventional arms control.

(5) The United States and the Soviet Union signed the Agreement on the Prevention of Incidents On And Over the High Seas on May 25, 1972.

(6) The United States and the Soviet Union signed the Nuclear Risk Reduction Center Agreement on September 15, 1987.

(7) The United States and the Soviet Union signed the Agreement on the Prevention of Dangerous Military Activities on June 12, 1989.

(8) The Congress believes that a direct military-to-military communications link between NATO and the Warsaw Pact could prevent misunderstanding in the event of unpredicted military activities or incidents, such as the recent incident in which a Soviet Mig-23 transitted NATO airspace and crashed in Belgium.

(9) The Congress believes such a direct military to military communications link could complement U.S. efforts in the area of confidence- and security-building measures.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—the President should raise and request that our NATO allies consider the concept of a direct military to military communications link between NATO and the Warsaw Pact at the appropriate NATO forum.

(c) PRESIDENTIAL REPORT.—The President shall submit to Congress, not later than December 1, 1989 a report on the technical feasibility, operational characteristics and costs of establishing a direct military-to-military communications link between NATO and the Warsaw Pact.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, which was previously announced for July 20 at 2 p.m., has been rescheduled for July 20 at 1:30 p.m. The measure to be heard is

S. 371, a bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SARBANES. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, July 17, beginning at 2 p.m., to hear Thomas D. Larson, nominated by the President to be Administrator of the Federal Highway Administration, U.S. Department of Transportation.

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

ADDITIONAL STATEMENTS

FLORIDA A&M UNIVERSITY MARCHING BAND HONORED

● Mr. GRAHAM. Mr. President, I rise today to praise the Florida A&M University Marching Band. The outstanding Rattler band, the "Marching 100," was chosen to represent the United States in Paris July 14 for the 200th anniversary of the French Revolution (Bastille Day).

These excellent musicians honor our Nation. They are ambassadors of music. Their talent and high-stepping style make them the best.

Led by Dr. William P. Foster, who revolutionized marching techniques, the "Marching 100" is the only band representing the United States. The Rattler band is one of 16 bands worldwide invited by the Government of France to celebrate 200 years of freedom in France.

As a long-time fan of the "Marching 100," I am pleased that Dr. Foster and the band are getting much deserved international recognition. Music lovers around the world salute Florida A&M University and its outstanding band for this achievement.

Congratulations, Rattlers. You make all Floridians proud.●

CELEBRATING THE 25TH ANNIVERSARY OF THE URBAN MASS TRANSPORTATION ACT

● Mr. D'AMATO. Mr. President, this month marks the 25th anniversary of the Urban Mass Transportation Act of 1964. The original goals of the Federal program were to stabilize a failing mass transportation system and develop a strong nationwide commuter system.

For the past 25 years the Urban Mass Transportation Act has played a key role in the economic prosperity in both urban and rural communities across the Nation. The expansion of policies and direct investment resulting in greater accessibility of safe and reliable public transportation services make it a facet of everyday American life. The 25th anniversary highlights the important commitment and the public-private partnership that supports transit. It is an appropriate time to review the accomplishments of the past and to look ahead and consider the needs of the future.

Mass transit is a vital component of modern life. Americans took nearly 9 billion trips on transit last year; 183 billion since 1964. Nearly 6 million people a day ride New York City's bus and rail network. Americans have come to depend on transit not only for access of their jobs and for shopping, but also for the freedom to come and go as they please.

The cooperation between Federal, State, and local governments, with private interests and passengers in support of transit has been a key factor in funding. In 1987 $16.7 billion was invested in transit: 34 percent from fares and other private sources, 27 percent by local governments, 20 percent by States and 19 percent by the Federal Government.

Investments in transit have many benefits. For every $100 million spent on capital projects there is a $327 million increase in business revenue. Every $100 million spent supports nearly 8,000 jobs. In New York 140,000 jobs in the Metropolitan area are provided by the MTA's capital improvement program. This reduces the unemployment rate in the area's construction industry by about 25 percent.

By providing a reliable and convenient mode of travel for employees and patrons, transit systems attract new businesses and encourages reinvestment. Integration of transit with private construction projects reduces the costs of city services in the areas of public works, public safety, and general services.

The role of the transit system was expanded over the past 25 years to include social service, economic development, environmental effects, and energy conservation. Transit managers face the challenge of balancing legitimate competing public and private interests and goals. Investment in high-capacity, shared-ride transportation services would reduce air pollution improving the quality of air, reducing gridlock and congestion, cutting costs, and increasing transit efficiency.

The first 25 years of commitment to public transportation should be observed with pride. We should also take the opportunity to consider the shape and direction of national transit policy for the next 25 years.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $3.8 billion in budget authority, and over the budget resolution by $1.0 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $136.4 billion, $0.4 billion above the maximum deficit amount for 1988 of $136.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1989 and is currently through July 14, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for fiscal year 1989, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. RIESCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JULY 14, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Fiscal year 1989			
Budget authority	1,235.8	1,232.1	3.8
Outlays	1,100.8	1,099.8	1.0
Revenues	964.4	964.7	−.3
Debt subject to limit	2,784.8	[3] 2,824.7	−39.9
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JULY 14, 1989—Continued

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
Deficit	136.4	[4] 136.0	[5] .4

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays and revenues have been revised for Catastrophic Health Care (Public Law 100–360).

[3] The permanent statutory debt limit is $2,800.0 billion.

[4] Maximum deficit amount [MDA] in accordance with section 3(7) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101st CONGRESS, 1st SESS., AS OF CLOSE OF BUSINESS JULY 14, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for non-fat dry dairy products (Public Law 101–7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101–14)	−11		
Dire emergency and urgent supplemental appropriations, 1989 (Public Law 101–45)	3,493	1,023	
Total enacted this session	3,482	1,013	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	([1])	([1])	
Special milk	4		
Food Stamp Program	29		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Special benefits	37	37	
Payments to the farm credit system	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to hazardous substance superfund	(99)	(99)	
Supplemental Security Income	201	201	
Special Benefits for Disabled Coal Miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Total entitlement authority	926	747	
VI. Adjustment for Economic and Technical Assumptions	−18,925	−16,990	
Total current level as of July 14, 1989	1,235,828	1,100,751	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	3,778	1,001	

PARLIAMENTARIAN STATUS REPORT 101st CONGRESS, 1st SESS., AS OF CLOSE OF BUSINESS JULY 14, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Under budget resolution			266

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals.●

THE PRIDE OF NEW RICHMOND, WI

● Mr. KOHL. Mr. President, a group of young men and women from New Richmond, a community of approximately 5,000 known as "the City Beautiful" in my home State of Wisconsin, are marching proudly today. And I rise to share our pride in their accomplishments with you.

The New Richmond Marching Tiger Band from New Richmond High School and their dedicated director, Richard Gregerson, have received an invitation from the Soviet Union to perform next June in Moscow, Leningrad, and Tallin. This marks the first time that an American high school marching band has been invited to perform in the Soviet Union.

In recognition of this unique honor, a delegation from the Soviet Union will be coming to New Richmond to officially extend their Government's invitation to these 135 high school students during the New Richmond Fun Festival scheduled for this Sunday, July 23.

It is no surprise that this honor is being conferred upon the dedicated young people known as the Marching Tigers. They represented the residents of the great State of Wisconsin in President Jimmy Carter's inaugural parade. And since 1979, the Marching Tigers have achieved Champion or Grand Champion status in 101 of the 108 competitive parades in which they have marched.

Mr. President, so much is written today about young people and the problems they are encountering in communities across our Nation. I believe it is important for us to take the time to spread some good news as well, to recognize the dedication and discipline of these 13- to 18-year-olds from New Richmond and the pride and support of their teachers, families, and friends.

As the New Richmond Marching Tiger Band prepares for its historic trip to the Soviet Union, I commend them for the honor they have received and the great credit they bring to themselves, their families, their school, and their community. And I wish them good fortune when they embark on this exciting adventure as goodwill ambassadors of Wisconsin and the United States of America.●

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m, Tuesday, July 18, and that following the time for the two leaders, there be a period of morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

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

ORDER FOR RECESS FROM 12:30 P.M. UNTIL 2:15 P.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess tomorrow from 12:30 p.m. to 2:15 p.m. to accommodate the party conferences.

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

DEBATE AND VOTE ON MOYNIHAN AMENDMENT NO. 268

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 2:15 p.m. there be 20 minutes of debate on the Moynihan amendment No. 268, and that the time be equally divided and controlled between Senators MOYNIHAN and HELMS, and that at the expiration of time on the amendment, no later than 2:35 p.m., a vote occur on the Moynihan amendment.

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

Mr. MITCHELL. Mr. President, I have no further business at this time. I understand that the distinguished Republican leader would like to make a statement, so I yield to him.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m. Tuesday, July 18.

There being no objection, the Senate, at 6:12 p.m., recessed until Tuesday, July 18, 1989, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 1989:

DEPARTMENT OF STATE

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

JOHNNY YOUNG, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED

STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

INTERNATIONAL MONETARY FUND

THOMAS C. DAWSON II, OF THE DISTRICT OF COLUMBIA, TO BE U.S. EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS, VICE CHARLES H. DALLARA, RESIGNED.

DEPARTMENT OF DEFENSE

JOHN W. SHANNON, OF MARYLAND, TO BE UNDER SECRETARY OF THE ARMY, VICE MICHAEL P.W. STONE, RESIGNED.

ANNE NEWMAN FOREMAN, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE JAMES F. MCGOVERN, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GWENDOLYN S. KING, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF SOCIAL SECURITY, VICE DORCAS R. HARDY, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

ALLEN B. CLARK, JR., OF TEXAS, TO BE ASSISTANT SECRETARY OF VETERANS AFFAIRS (VETERANS LIAISON AND PROGRAM COORDINATION) (NEW POSITION—PUBLIC LAW 100-527).

ENVIRONMENT PROTECTION AGENCY

LINDA J. FISHER, OF OHIO, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN ARTHUR MOORE, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

HERBERT D. KLEBER, OF CONNECTICUT, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY (NEW POSITION).

HOUSE OF REPRESENTATIVES—*Monday, July 17, 1989*

The House met at 12 noon.

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

Teach us, O loving God, to grow in our capacity to love—to receive Your unmerited favor with gladness and joy, to grow in our desire to share our love with those about us, and to express the fullness of Your love by accepting ourselves as created in Your image, by forgiving ourselves, by allowing renewal in our lives, as we direct our faith toward You and Your bountiful gifts to each of us. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin [Mr. PETRI] please lead the House in the Pledge of Allegiance?

Mr. PETRI led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

H.R. 310. An act to remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home;

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs; and

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

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

S. 326. An act to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions;

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day";

S.J. Res. 132. Joint resolution designating September 1 through 30, 1989 as "National Alcohol and Drug Treatment Month"; and

S.J. Res. 174. Joint resolution to designate July 20, 1989, as "Space Exploration Day."

The message also announced, that pursuant to Public Law 100-702, the Chair on behalf of the President pro tempore, appoints E. William Crotty, of Florida, from private life, for a term of 5 years, and the Honorable Richard Rosenbaum, of New York, from private life, for a term of 3 years, to the Federal Judicial Foundation Board.

B-2 FIRST FLIGHT DEMONSTRATES VALUE OF ADVANCED TECHNOLOGY

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

Mr. DICKS. Mr. Speaker, they said it couldn't be done, that the flying wing concept was fatally flawed. But this morning the skeptics were proven dramatically wrong as the B-2 smoothly took off from Palmdale, CA, flew for 2½ hours, and landed at Edwards Air Force Base. It truly represented the beginning of a new era in aviation.

This is the first of a series of tests that will validate what we have learned in 24,000 hours of wind tunnel tests and 44,000 hours of avionics tests already.

But the research and development that has gone into this aircraft will mean much more than our ability to deploy a penetrating bomber that can overcome increasingly sophisticated Soviet air defenses. It is the beginning of a revolution that is already being incorporated into tactical aircraft with the advanced technology fighter and the A-12 advanced attack aircraft. It will have applications for a wide range of other conventional weapons systems as well. And it can also help reduce cost and improve quality for our top high technology export, commercial airliners, through application of its highly automated manufacturing processes and composite materials.

As we celebrate the 20th anniversary of the first successful Moon landing, the B-2 bomber is another reminder of the benefits that high technology can provide beyond the immediate program involved.

WHAT IS NEXT? A HUNDRED-BILLION-DOLLAR BATMOBILE?

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

Mr. TRAFICANT. Mr. Speaker, it is big news all over the country. The B-2 wealth bomber, at a half a billion dollars a copy, can actually fly. Think about it; it can fly. The Stealth bomber, broker made, and in California, and they say that it can even escape radar, but reports say it was so big that it was sighted somewhere in New Jersey.

Mr. Speaker, the truth of the matter is the Pentagon really has a sigh of relief today because the MX missile, it turned out, it cannot fly straight; it is a drunk turkey. The Trident submarine rockets, they do cartwheels; and the fighting tank, it could not hit the ocean if fired from dockside.

But the Stealth bomber, my God; $66 billion project, it can fly! What is next? A hundred-billion-dollar Batmobile?

What about cutting out a few of these drunk turkeys and providing some education and housing for districts like mine and other needy cities around the country?

MR. BROCCOLI, YOU'VE LOST YOUR "SPOOF"

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

Mr. PORTER. Mr. Speaker, the movie begins with an order to cut out a man's heart. Next, the villain has a drug agent's legs eaten off by sharks. Then he puts one of his hoods he thinks has crossed him into a marine decompression chamber and blows him apart, blood running down the porthole. Another is impaled through the chest on a forklift. Another is run through a man-sized shredder. In the final scene, James Bond, about to have his head cut off by the villain wielding a machete, instead immolates him.

"Licence to Kill," Mr. Speaker, Albert Broccoli's latest James Bond thriller, has all the marvelous action, beautiful women, incredible weaponry, unbelieveable chases, everything that has made 007 a gold-mine of American entertainment for 30 years. And I've seen every one of the movies, some as many as five times, and read every Bond book Ian Fleming ever wrote.

But, Mr. Speaker, though every James Bond movie has had a huge dose of violence, this one's different.

Up to now, it's generally been spoof violence, violence with an understanding with the audience that the whole, improbable thing is just one action-filled fantasy with no relation to reality.

But "Licence to Kill" is serious violence—gratuitous violence for the sake of violence, or rather, apparently, because, in America, that's what sells.

Well, not to me, Mr. Speaker. If this is the new 007, deal me out. Mr. Broccoli, you've lost your spoof. All you have left is just plain gross.

APOLLO XI WAS JUST THE BEGINNING

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

Mr. RICHARDSON. Mr. Speaker, 20 years ago this week we all watched an American land on the Moon. This week, the three astronauts—Armstrong, Aldrin, and Collins—are watching us and wondering how a Nation as strong, creative and inquisitive as ours could be so powerless, uncaring and nonchalant in space. We have done little since the Apollo XI mission. At times, NASA has lacked leadership, suffered through budget cuts and has had mission setbacks. It is time to wipe the slate clean.

Mr. President, when you unveil your space agenda, do not just reaffirm this country's commitment to space exploration, do not just tell us some more space mush. We need more than that. We need your leadership in transforming our Nation from a space observer to a space pioneer. Tell us that you want America to go to Mars. Direct NASA to begin planning a mission to Mars, and tell us when you want us there by—give America a deadline.

Mr. President, John F. Kennedy's Moon challenge earned him a unique place in history. You can do the same.

Mr. President, if you tell the American people that you are ready to lead us on a trip to Mars, we in the Congress will help you find a way to pay for it. We have no other choice. Rest assured, the medical, scientific, technological, and other benefits reaped by a mission to Mars will far outweigh the financial sacrifices we may have to make to pay for this trip.

Twenty years from now I want to be doing more than just celebrating the 40th anniversary of the Apollo XI mission. I want us, and our three astronauts, to be able to look back and say Apollo XI was just the beginning—it was the stepping stone for our mission to Mars.

□ 1210

REPEAL SECTION 89 OF TAX REFORM ACT OF 1986

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

Mr. GEKAS. Mr. Speaker, section 89 and the battle to repeal it is an important issue that must be debated on the floor of the House. We came within seven votes of reaching that possibility a couple weeks ago when the Rules Committee, first ruling against us and not permitting us to present it as part of the supplemental appropriations, in the vote in the House as to whether or not we should overrule the Rules Committee we fell seven votes short.

We mean to reman that battle and to try again before the Rules Committee when the Treasury Appropriations bill comes up in the next few days or possibly next week and wherever and whenever the opportunity presents itself we are going to attempt to bring section 89 and its repeal to a full debate on the floor of the House. We deserve no less.

Now, 30-plus Members of this Chamber have signed a bill to repeal, and therefore the will of the majority, a substantial majority, is to do exactly that. We are going to continue this battle to repeal section 89.

MORE HONESTY NEEDED IN THE BUDGET PROCESS

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

Mr. PICKETT. Mr. Speaker, perhaps one of this Nation's best kept secret is why the annual increase in our national debt so far exceeds the annual Federal budget deficit. Under the budget resolution agreed to several weeks ago, the deficit for 1990 is projected to be just under $100 billion.

Yet this very same budget resolution projects that the national debt will increase an additional $322 billion by the end of 1990 to the aggregate sum of $3.122 trillion.

The increase in national debt is over three times greater than the projected annual budget deficit.

This enormous disparity between what we report as the annual deficit and what we will add to the national debt next year results from the fact that the billions of dollars borrowed each year from Social Security and other Government trust funds are not counted as an obligation in arriving at the annual budget deficit. This accounting slight of hand will indeed come back to haunt us. Where is our Government going to get the money it needs to repay these trust funds after the year 200 when the benefits required to be paid exceed the then current revenues—more borrowing?

Mr. Speaker, it is imperative that this Nation's financial house be put in order and the time to begin is now. Let's tell our people what the real deficit is so they will understand why there is such a dramatic increase in our national debt.

GET PRIORITIES STRAIGHT ON SPACE SPENDING

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

Mr. SCHUMER. Mr. Speaker, this week we justifiably celebrate the 20th anniversary of landing men on the moon. It is an accomplishment that the country can be proud of, but I fear that now we will launch into new and expensive explorations of space that we can ill afford.

Mr. Speaker, building a laboratory on the moon, landing men and women on Mars, is a goal that this country could consider. But does it take priority over ending crime, fighting crime? Does it take priority over educating our youth? Does it take priority over putting houses and homes over people's heads?

I would argue, Mr. Speaker, before we get involved in a frenzy of spending billions and billions and billions more dollars in space, we ought to look at the kinds of other things that would take priority over that as America lays out its agenda. Our competitiveness economically, our feeding, clothing and housing and educating our people properly, our war on crime, will all suffer unless we look at our priorities and finally launch a rational program about space, not one that can consume the most money the most quickly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

EXEMPTION OF REEMPLOYED ANNUITANTS INVOLVED IN THE 1990 DECENNIAL CENSUS FROM OFFSETS IN PAY AND OTHER BENEFITS

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1860) to provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 1990 decennial census of population shall be exempt from certain provisions of title 5, United States Code,

relating to offsets from pay and other benefits, as amended.

The Clerk read as follows:

H.R. 1860

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

SECTION 1. DEFINITIONS; DESCRIPTION OF TEMPORARY POSITIONS.

(a) DEFINITIONS.—For purposes of this Act—

(1) the term "annuitant" means an annuitant within the meaning of section 8331(9) or 8401(2) of title 5, United States Code;

(2) the term "temporary" is used in the same way as described in section 24(b) of title 13, United States Code;

(3) the term "census of population" has the meaning given that term by section 141(g) of title 13, United States Code;

(4) the term "active employee" means an employee within the meaning of section 8331(1) or 8401(11) of title 5, United States Code;

(5) the term "retired or retainer pay" has the meaning given that term by section 5531(3) of title 5, United States Code; and

(6) the term "uniformed services" has the meaning given that term by section 2101(3) of title 5, United States Code.

(b) DESCRIPTION OF TEMPORARY POSITIONS.—This Act applies with respect to service in any temporary position within the Bureau of the Census established for purposes relating to the 1990 decennial census of population (as determined under regulations which the Secretary of Commerce shall prescribe).

SEC. 2. EXEMPTION FOR REEMPLOYED ANNUITANTS.

(a) GENERALLY.—Subject to subsection (b), an annuitant who becomes reemployed in a temporary position described in section 1(b) shall, with respect to any period of service in such position, be exempt from section 8344 or 8468 of title 5, United States Code (as otherwise applicable).

(b) EXCEPTIONS.—This section—

(1) shall not apply with respect to any annuitant who, immediately before being placed in the temporary position, was employed in a Government position in which pay for that annuitant was being reduced under either of the provisions referred to in subsection (a); and

(2) shall not have the effect of exempting a reemployed annuitant from section 8344 or 8468 of title 5, United States Code, after the expiration of the period described in section 4.

(c) CLARIFICATION.—Nothing in this section shall have the effect of causing a reemployed annuitant to be treated as an active employee for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

SEC. 3. EXEMPTION FOR FORMER MEMBERS OF THE UNIFORMED SERVICES.

(a) Subject to subsection (b), the retired or retainer pay of a former member of a uniformed service employed in a temporary position described in section 1(b) shall, with respect to any period of service in such position, be exempt from section 5532 of title 5, United States Code.

(b) This section—

(1) shall not apply with respect to any former member of a uniformed service if, immediately before being placed in the temporary position, the retired or retainer pay of such former member was being reduced under section 5532 of title 5, United States Code (or would have been reduced but for subsection (d)(2) of such section); and

(2) shall not have the effect of exempting a former member of a uniformed service from section 5532 of title 5, United States Code, after the expiration of the period described in section 4.

(c) For purposes of this section, the term "former member of a uniformed service" means a member or former member of a uniformed service.

SEC. 4. LIMITATION.

An exemption under section 2 or 3 shall not, in the case of any individual, apply longer than—

(A) the first period of 6 calendar months for which the individual receives pay for service in any temporary position described in section 1(b), if the individual serves under not more than one appointment; or

(B) if the individual serves under more than one appointment, the first period of 6 calendar months (determined in the aggregate) for which the individual received pay for service in any temporary position described in section 1(b).

SEC. 5. APPLICABILITY.

This Act applies with respect to appointments made on or after the date of enactment of this Act, but does not apply with respect to any service performed after December 31, 1990.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of Mississippi. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

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

Mr. Speaker, I am pleased to bring before the House legislation which I believe will improve the ability of the Census Bureau to attract and retain a qualified work force for the 1990 census. As the sponsor of H.R. 1860 and chairman of the Subcommittee on Census and Population, I am pleased to acknowledge the efforts of Congressman RIDGE, ranking minority member of the subcommittee, and Congressman CHANDLER, in supporting this legislation by becoming original cosponsors. I also want to thank Congressman GARCIA and Congressman DYMALLY for their counsel and guidance from the beginning, as well as my other colleagues on the Committee on Post Office and Civil Service for their unanimous support and cosponsorship of H.R. 1860.

Mr. Speaker, in less than 1 year, our Nation will conduct its Twenty-first Decennial Census. This enormous and complex undertaking will require a temporary work force of 480,000 employees, with over 300,000 actually working during peak operations. As with previous censuses, one of the greatest challenges for the Census Bureau will be the recruitment and retention of qualified, temporary employees who can get the job done in a timely and skillful manner.

A large percentage of the temporary work force hired for the census will serve as enumerators, visiting housing units from which a census questionnaire has not been returned by mail. This followup work is critical in light of the estimated 25 percent of the 106 million households nationwide who will not mail back their census forms.

Because of the often rigorous nature of an enumerators' work, combined with relatively low pay and the short duration of the employment, the Bureau has repeatedly experienced difficulty in recruiting and hiring a sufficient number of qualified employees to conduct the census. In 1980, the Bureau was unable to fill 30 percent of its enumerator positions during peak operations. During the March 1988 dress rehearsal for the 1990 census, the Bureau experienced a turnover rate in St. Louis, MO, of 83 percent. During prelist operations in several locations, enumerator pay had to be increased in order to attract enough employees to complete the activities.

The quality and accuracy of census data will depend, to a great extent, upon the ability of the Census Bureau to retain a qualified work force to carry out field activities after the census forms have been mailed. The predicted staff shortages may lead to increased training and recruitment costs, and contribute to delays in completing field activities, thus jeopardizing the quality of the census.

The importance of an accurate census cannot be overstated. Clearly, it is in our best interests to ensure that the Bureau has the tools with which to attract the largest pool of qualified applicants possible. I believe we can expand the pool of qualified census workers by making temporary census positions more attractive to retired Federal and postal employees and retired military officers.

There are approximately 1.58 million Federal retirees and 457,000 retired military officers nationwide who represent a potentially valuable resource to the Census Bureau in overcoming its staffing problems. Many of these individuals are likely to have free time, to have access to an automobile, to know their neighbors and communities well, and to understand the importance of the Census.

Unfortunately, provisions of title 5, United States Code, which refer to offsets in benefits for reemployed annuitants, act as a disincentive for Federal retirees who want to seek reemployment with the Federal Government. H.R. 1860 provides an exemption from these offset provisions for retired Fed-

eral or military personnel who become employed in temporary positions for a period not to exceed 6 months, for the purpose of carrying out the 1990 Decennial Census.

Specifically, section 5532, title 5, United States Code, refers to members or former members of the uniformed service receiving retired or retainer pay. This section requires a reduction in annuity of $1 for every $2 earned as a reemployed military retiree. The reduction begins with the first dollar earned, although it only affects annuity payments over and above the first $7,698.

Under sections 8344 and 8468, title 5, United States Code, retired Federal civil servants are required to forfeit in pay an amount equal to their annuity. The implication of the offset provisions is that most retirees would not earn a single cent above the amount they would earn by staying at home.

The proposed legislation adds no new costs. It should have no impact on the Federal budget. We are not seeking to nor hire an increased number of Census Bureau employees, but rather to assemble a more qualified pool of applicants from which the Bureau may hire the number of temporary workers needed to complete a quality census.

The Census Bureau, the General Accounting Office, and organizations representing retired Federal and military employees all expressed strong support for the bill during a subcommittee hearing. In addition, I want to stress the bipartisan nature of the effort to steer this legislation through committee. The census is a nonpartisan undertaking of national significance, which will impact the future direction of policies and programs well into the next century. Members on both sides of the aisle must continue working hand-in-hand to ensure the best census possible.

I urge my colleagues to support this important measure today.

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

□ 1220

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent to yield my time for the purpose of managing the bill to the gentleman from New york [Mr. GILMAN].

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1860, a bill which will entitle Federal annuitants and former members of the military service to serve as temporary census employees in conducting the 1990 census.

H.R. 1860 would widen the pool of potential applicants for census jobs by allowing Federal annuitants and former members of the military to receive their full pensions for a period of 180 days without any offsets from pay and annuitants required by the dual-compensation restrictions of title 5 of the United States Code.

Attracting and retaining a large temporary census work force historically has been a major problem. Our retired Federal and military retirees would offer the Census Bureau a wider pool of potential job applicants and would improve the bureau's ability to hire sufficient numbers of qualified temporary workers. I believe that retired postal workers who are familiar with neighborhoods and are recognized by residents would be especially valuable.

In the 1980 census many of the bureau's districts offices were unable to attract and retain a sufficient number of temporary employees. In 1980 30 percent of the enumerator positions were not filled during the peak of census operations. The Bureau faces equally severe staff challenges in 1990. The Census Bureau anticipates it will need to recruit at least 1.6 million applicants in order to maintain the work force needed to carry out the 1990 census.

Mr. Speaker, I feel our Federal and military retirees would be a valuable asset to the Bureau. Our Federal, postal and military retirees have demonstrated a lifetime of commitment to the values of public service and would be an important recruitment source for the Bureau, and H.R. 1860 could contribute to an improved 1990 census.

Mr. RIDGE. Mr. Speaker, these next few months mark the final countdown to the 1990 Decennial Census. For an event that takes place every 10 years, the census is an integral part of everyone's lives. From formulas for Federal programs to representation in the House of Representatives, the census touches each and every American in some way.

Recently, however, the Census Bureau has been facing the same problems faced by many employers—an inadequate supply of qualified employees. Shortages and high turnover has impacted on the enumeration process. During the decennial census, the Bureau strives to maintain stability in the workforce while conducting as accurate count as possible. H.R. 1860, introduced by Mr. SAWYER, Mr. CHANDLER, and myself, would provide a previously untapped pool of workers to the Census Bureau. H.R. 1860 would allow Federal retirees the opportunity to take temporary assignments with the Bureau without being subjected to an offset in their annuities.

Federal retirees have devoted their lives to serving the public. They know the areas to be enumerated and many times are familiar with the specific neighborhoods. Many retirees are skilled at interviewing and can utilize these skills as census enumerators.

Upon passage of H.R. 1860, we, as representatives and Members of the House of Representatives must get the word out. Retiree associations have pledged their full cooperation to disseminate this change in the annuity offset provisions. I look forward to working with you in the upcoming year to provide a full and accurate count in the 1990 census.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 1860, a bill which would exempt retired Federal and military retirees from the dual-compensation provisions of title 5 of the United States Code. The bill would provide the Bureau of the Census with the authority to fill temporary census positions with Federal and military retirees who would be exempt from the offset provisions for 180 days.

H.R. 1860 has the potential of enlarging the pool of applicants needed by the Bureau to conduct the 1990 census. Historically, the Census Bureau has experienced severe staffing problems during the decennial census. Attracting and retaining a work force of 450,000 temporary employees has been a major problem.

By eliminating financial disincentives to accepting census employment, H.R. 1860 would greatly expand the pool of applicants for the Bureau.

Most Federal and military retirees have devoted a lifetime of service to our country. They have worked for every Federal agency and have acquired a great deal of knowledge and experience. Our Federal and military retirees are familiar with Government regulations and forms and would be familiar geographically with the neighborhoods and communities in which they live.

Mr. Speaker, I feel that with this legislation everyone wins and nobody loses. The Government and the taxpayer win since the bill would increase the numbers of potential census workers and thus reduce turnover costs and make the census more cost effective. States and localities will benefit because better census workers will mean a better census.

I urge my colleagues to join me in supporting this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 1860, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1860, the bill just passed.

29-059 O-90-5 (Pt. 11)

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

There was no objection.

MISCELLANEOUS POSTAL SERVICE AMENDMENTS OF 1989

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2802) to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes.

The Clerk read as follows:

H.R. 2802

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 "Miscellaneous Postal Service Amendments of 1989".

SEC. 2. AMENDMENTS TO TITLE 39, UNITED STATES CODE.

(a) CORRECTIONS OF GRAMMAR, PUNCTUATION, AND SPELLING ERRORS.—

(1) Section 404(a)(6) of title 39, United States Code, is amended to read as follows:

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services;".

(2) Section 2401(c) of title 39, United States Code, is amended by striking "are" and inserting "is".

(3) Section 3204(a)(2) of title 39, United States Code, is amended by striking "mailings" and inserting "mailing".

(4) Section 3601(a) of title 39, United States Code, is amended by striking "concent" and inserting "consent".

(5) Section 3625(d) of title 39, United States Code, is amended by striking "section 3268" and inserting "section 3628".

(6) Section 5212 of title 39, United States Code, is amended—

(A) by striking the comma after "without advertising"; and

(B) by striking the comma after "without advertising"; and

(b) CORRECTION OF PARAGRAPH NUMBERING.—Section 410(b) of title 39, United States Code, is amended by striking the 2 paragraphs designated as paragraph (9) and inserting the following:

"(9) chapter 39 of title 31; and

"(10) the provisions of section 8E of the Inspector General Act of 1978.".

(c) REPEAL OF OBSOLETE PROVISIONS.—

(1)(A) Section 206 of title 39, United States Code, is repealed.

(B) The item relating to section 206 in the chapter analysis of chapter 2 of title 39, United States Code, is repealed.

(2) Section 240(b) of title 39, United States Code, is amended to read as follows:

"(b)(1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, there is authorized to be appropriated to the Postal Service, except as provided in paragraph (2) of this subsection, an amount equal to 5 percent of the sum appropriated to the former Post Office Department by Act of Congress for its use in fiscal year 1971.

"(2) For any fiscal year, the Postal Service may reduce the percentage figure in paragraph (1) of this subsection, including a reduction to 0, if the Postal Service finds that the amounts determined under such paragraph are not required to operate the Postal Service in accordance with the policies of this title.".

(3) Section 2401 of title 39, United States Code, is amended by striking subsections (d), (e), and (f), and the second sentence of subsection (h), and by redesignating subsections (g), (h), and (i) as subsections (d), (e), and (f), respectively.

(4) Section 2003 of title 39, United States Code, is amended by striking subsection (f).

(5)(A) Section 3217 of title 39, United States Code, is repealed.

(B) Sections 2401(c) and 3627 of title 39, United States Code, are amended by striking "3217, 3403-3406," and inserting "3403-3406".

(C) The item relating to section 3217 in the chapter analysis of chapter 32 of title 39, United States Code, is repealed.

(6)(A) Section 5215 of title 39, United States Code, is repealed.

(B) The item relating to section 5215 in the chapter analysis of chapter 52 of title 39, United States Code, is repealed.

(d) RESTORATION OF PROVISIONS OMITTED BY OVERSIGHT.—

(1) Section 409(a) of title 39, United States Code, is amended by inserting "and the Contract Disputes Act of 1978," after "this title,".

(2)(A) Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"§ 413. Return receipts received in the courts

"A return receipt provided by the Postal Service to a sender of mail showing to whom and when an article was delivered, or to whom, when, and the address to which an article was delivered, shall be received in the courts as prima facie evidence of delivery.

"§ 414. Security of Postal Service property

"(a) The Postal Service may appoint uniformed guards who shall have the same powers as sheriffs and constables upon property owned or occupied by the Postal Service to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Postal Service for the property under its jurisdiction. The jurisdiction and policing powers of such guards shall not extend to the service of civil process.

"(b) When the Postal Service uses the facilities and services of existing Federal, State, or local law enforcement agencies to protect property owned or occupied by the Postal service, it may grant to law enforcement officers of such agencies the same powers that it may grant to its own guards under subsection (a) of this section.

"(c) Whoever violates any rule or regulation promulgated by the Postal Service for the governance of property owned or occupied by the Postal Service shall be fined not more than $50 or imprisoned not more than 30 days, or both. Such rules and regulations shall be posted in a conspicuous place on such property.".

(B) The chapter analysis of chapter 4 of title 39, United States Code, is amended by inserting at the end the following:

"413. Return receipts received in the courts.
"414. Security of Postal Service property.".

(e) UPDATING OF TERMINOLOGY.—Section 3202(a)(1) of title 39, United States Code, is amended—

(1) in subparagraph (C), by striking "the Pan American Union" and inserting "the Organization of American States"; and

(2) in subparagraph (D), by striking "the Pan American Sanitary Bureau" and inserting "the Pan American Health Organization".

(f) STATE DEPARTMENT POST OFFICES ABROAD.—

(1) IN GENERAL.—Chapter 4 of title 39, United States Code, as amended by subsection (d)(2)(A), is further amended by adding at the end the following:

"§ 415. Postal services at diplomatic posts

"(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

"(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal Service to perform postal services at such branch post offices through personnel designated by the Department of State.

"(c) The Department of State shall reimburse the Postal Service for any amounts, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

"(d) Each agreement entered into under this section shall include—

"(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

"(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

"(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location.".

(2) CHAPTER ANALYSIS.—The chapter analysis of chapter 4 of title 39, United States Code, as amended by subsection (d)(2)(B), is further amended by adding at the end the following:

"415. Postal service at diplomatic posts.".

SEC. 3. PERFECTION OF THE CHARITY GAMES ADVERTISING CLARIFICATION ACT OF 1988.

(a) TITLE 39 AMENDMENT.—Section 3005(d)(2) of title 39, United States Code, is amended to read as follows:

"(2) tickets or other materials to addresses within a State concerning a lottery conducted by such State, within that State, acting under authority of State law,".

(b) TITLE 18 AMENDMENT.—Section 1307(d) of title 18, United States Code, is amended by striking "subsection (b) of" and inserting "subsections (a)(1) and (b) of".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on May 7, 1990.

SEC. 4. PERFECTION OF THE INDIAN GAMING REGULATORY ACT.

Section 21 of the Indian Gaming Regulatory Act (25 U.S.C. 2720) is amended by inserting after "United States Code," the following: "and the antilottery provisions of section 3005 of title 39, United States Code,".

SEC. 5. PERFECTION OF SECTION 3002A OF TITLE 39, UNITED STATES CODE.

Section 3002a of title 39, United States Code, is amended—

(1) in subsection (a), by striking "Any" and inserting "Except as provided in subsection (b) of this section, any";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary."

SEC. 6. EFFECTIVE DATE.

Except as provided in section 3(c), the amendments made by this Act shall become effective on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognzied for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 2802, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2802 is essentially corrective legislation which makes technical, clerical, and conforming amendments to sections of title 39, United States Code, and other provisions of law. These legislative corrections have been recommended by the U.S. Postal Service.

H.R. 2802 also makes several minor substantive changes in law. For example, section 2(f) of the bill authorizes the Postal Service and the Department of State to test the feasibility of a program to improve mail service to certain overseas posts.

Sections 3 and 4 of the bill make perfecting amendments to the Charity Games Advertising Act of 1988 and the Indian Gaming Act, respectively. While the amendments have minor substantive effect, they are intended to correct inadvertent errors in those acts.

Section 5 of the bill amends title 39, United States Code, to permit the Postal Service to make exceptions to the statutory provision which prohibits the mailing of locksmithing devices.

The bill has been cleared with the minority, and I am not aware of any controversy over its provisions.

I urge passage of this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 2802, a bill whose primary purpose is to make necessary technical, clerical, and conforming amendments to law relating to the U.S. Postal Service.

This is essentially corrective legislation, but H.R. 2802 does make several minor substantive changes in law.

It authorizes the Postal Service and the Department of State to test the feasibility of a program to improve mail service to certain overseas posts. It also corrects inadvertent errors to the Charity Games Advertising Act and the Indian Gaming Regulatory Act. It also permits the Postal Service to make exceptions to the statutory provision prohibiting the mailing of locksmithing devices.

The Postal Service and the Department of State already have conducted a preliminary review of the proposal to provide postal services overseas at diplomatic missions.

Based on information from the Postal Service and the Department of State, H.R. 2802 would result in no additional cost of the Federal Government.

The Post Office and Civil Service Committee has legislative and oversight jurisdiction over the subject matter of this legislation. The committee concluded there was ample need and justification for enacting this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 2802.

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

A motion to reconsider was laid on the table.

□ 1230

CARL O. HYDE GENERAL MAIL FACILITY

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2431) to redesignate the Midland General Mail Facility in Midland, TX, as the "Carl O. Hyde General Mail Facility," as amended.

The Clerk read as follows:

H.R. 2431

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

SECTION 1. REDESIGNATION OF MAIL FACILITY.

The Midland General Mail Facility, located at 10000 Sloan Field Boulevard, in Midland, Texas, is redesignated as the "Carl O. Hyde General Mail Facility."

SEC. 2. REFERENCES.

Any reference in a law, rule, map, document, record, or other paper of the United States to the Midland General Mail Facility in Midland, Texas, shall be deemed to be a reference to the "Carl O. Hyde General Mail Facility".

The SPEAKER pro tempore (Mr. PICKETT). Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 2431, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2431 was introduced by our colleague, the Honorable LAMAR S. SMITH. It would name the general mail facility in Midland, TX, after Mr. Carl O. Hyde, a 46-year employee of the U.S. Postal Service.

When introducing H.R. 2431, our colleague had the following to say about Mr. Hyde:

It is with the broad support of Mr. Hyde's coworkers, many friends, and fellow citizens of the Midland Community that I take this action today. A man who enjoyed the reputation for seeking efficiency and excellence in the postal system, Carl Hyde was fondly known as "Mr. Zip" by those who worked with him. In 1979, he was voted the Federal employee of the Year by the Permian Basin Executive Association. He worked tirelessly to bring about many improvements in the Postal Service in Midland. At the time of his death, he had over 4,100 hours in Postal Service accumulated sick leave.

Mr. Hyde worked well beyond the accepted age for retirement out of love and devotion to his chosen profession. Throughout, he always maintained a positive outlook and is remembered by those he worked with, as a caring man who always had time for others. It is this exemplary service and dedi-

cation that I wish to recognize and hold up as a model for us all.

* * * * *

As a senior postal operations specialist, Mr. Hyde oversaw the facility construction and maintenance requirements for the 63 post offices in the El Paso Sectional Center. The construction of the new Midland General Mail Facility was one of the last projects to which Mr. Hyde devoted his considerable energy, enthusiasm, and expertise . . . Thus, it is most fitting and appropriate to redesignate this facility in his name.

I urge your support for H.R. 2431.

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

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

Mr. Speaker, I rise in full support of H.R. 2431, a bill to name the Midland, TX, General Mail Facility the "Carol O. Hyde General Mail Facility."

A true family man, Carl O. Hyde, was a dedicated and respected U.S. postal employee and manager for 46 years. Mr. Hyde worked tirelessly in his community and spent untold hours devoted to his church and fellow postal employees.

Mr. Speaker, the city council, Chamber of Commerce, the Lion's Club, and the county of Midland, TX, have all issued resolutions in support of naming the Midland Postal Facility as the "Carl O. Hyde General Mail Facility."

Carl O. Hyde was a dedicated professional who worked to improve his community and the postal service and is credited with initiating the concept for the Midland Mail Facility. Accordingly, I ask my colleagues to join me in supporting this resolution.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas, Mr. LAMAR SMITH, the sponsor of this legislation.

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague, the gentleman from New York, for yielding to me, and thank him for his comments as well as for the comments of my colleague, the gentleman from Ohio [Mr. SAWYER]. Certainly they were on point and echo my own feelings.

Mr. Speaker, I urge my colleagues to support H.R. 2431, a bill to rename the Midland General Mail Facility in Midland, TX, after the late Carl O. Hyde, a 46-year U.S. Postal Service employee.

This bill enjoys the strong support of Mr. Hyde's coworkers, many friends and fellow citizens of the Midland community. It was at their request and that of elected city leaders, including the Midland City Council, Chamber of Commerce, and Commissioners Court that I introduced this legislation.

A veteran of World War II, Carl Hyde served with the U.S. Army in the Philippines. When he returned, he settled in Midland, where he became a respected and active member of the community. He served as president of the downtown Midland Lions Club, and was active in numerous civic and church programs. Among the distinguished recognitions he received were three Lions Presidential Awards and the Ambassador of Goodwill Award. In 1987, he was inducted into the Texas Lions Hall of Fame.

As a senior postal operations specialist, Mr. Hyde oversaw construction and maintenance requirements for 63 west Texas post offices. The proposed Carl O. Hyde General Mail Facility, a central processing site for over 300,000 pieces of west Texas mail each day, was Carl Hyde's brainchild and one of the last projects he supervised before his death.

Carl Hyde continually sought many improvements in the Postal Service in Midland, and was fondly known as "Mr. Zip" by those who worked with him because he always encouraged the use of ZIP Codes. He was extremely devoted to his job and to the Postal Service, and worked far past the age at which most people choose to retire.

One fact about this man that I find particularly compelling is that at the time of his death in 1988, he had over 4,100 hours—or 102 weeks—of unused sick leave.

The broad local support for this bill is testimony to Mr. Hyde's positive representation of the Postal Service in the Midland community. During his 46-year career, Carl Hyde was a credit to the Postal Service and to Federal employees in general. In 1979, he was voted the Federal Employee of the Year by the Permian Basin Executive Association.

Today, we have before us the opportunity to recognize the hard work and dedication of a man who sought excellence in the postal system. I call upon my colleagues to help pay tribute to this distinguished Federal employee, Carl O. Hyde, and I urge their full support for the passage of this bill.

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

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

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 2431, as amended.

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

A motion to reconsider was laid on the table.

FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK EXPANSION ACT OF 1989

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 875) to expand the boundaries of the Fredericksburg-Spotsylvania National Military Park near Fredericksburg, VA, as amended.

The Clerk read as follows:

H.R. 875

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 "Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989".

SEC. 2. REVISION OF PARK BOUNDARIES.

(a) BOUNDARY REVISION.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia," approved February 14, 1927 (44 Stat. 1091), the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (hereinafter in this Act referred to as the "Park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the maps entitled "Fredericksburg and Spotsylvania National Military Park," numbered 326-40075D/89, 326-40074E/89, 326-40069B/89, 326-40070D/89, 326-40071C/89, 326-40072E/89, 326-40076A/89, and 326-40073D/89, and dated June 1989. The maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) EXCLUDED LANDS.—Lands and interests in lands within the boundary depicted on the maps referred to in subsection (a) as "Existing Park Boundary" but outside of the boundary depicted as "Proposed Park Boundary" are hereby excluded from the Park. The Secretary of the Interior (hereinafter referred to as the "Secretary") may relinquish to the Commonwealth of Virginia exclusive or concurrent legislative jurisdiction over lands excluded from the Park by subsection (a) by filing with the Governor a notice of relinquishment. Such relinquishment shall take effect upon acceptance thereof, or as the laws of the Commonwealth may otherwise provide. If any such lands and interests are not conveyed in an exchange under section 3(b) within 5 years after the enactment of this Act, the Secretary may sell any or all such lands and interests to the highest bidder and, notwithstanding any other provision of law, retain and use the proceeds to acquire lands and interests within the Park.

SEC. 3. ACQUISITIONS AND CONVEYANCES.

(a) ACQUISITION.—The Secretary is authorized to acquire lands and interests in lands within the Park, by donation, purchase with donated or appropriated funds or by exchange.

(b) EXCHANGE OF LANDS.—In acquiring lands and interests within the Park by exchange, the Secretary may convey Federal

lands and interests excluded from the Park by section 1.

(c) ALTERNATIVE ACCESS.—In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the Park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the Park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the Park in exchange for their conveyance to the United States of such easements or rights. Nothing in this Act shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) CONSERVATION EASEMENTS.—The Secretary is authorized to accept donations of conservation easements on lands adjacent to the Park. Such conservation easements shall have the effect of protecting the scenic and historic resources on Park lands and the adjacent lands or preserving the undeveloped or historic appearance of the Park when viewed from within or without the Park.

(e) OTHER PROVISIONS.—Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 4) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the Park.

SEC. 4. RETAINED RIGHTS.

(a) RETENTION OF USE AND OCCUPANCY.—With the exception of property which the Secretary determines is necessary for development or public use, the owner or owners of improved property acquired pursuant to this Act may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a definite term of not more than 25 years, or for a term ending at the death of the owner or the owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed 25 years. Ownership shall be determined as of June 1, 1989. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value of the right retained by the owner.

(b) TERMS AND CONDITIONS.—Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the Park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an amount equal to the fair market value of that portion of the right which remains unexpired.

(c) DEFINITION.—As used in this section, the term "improved property" means a year-round noncommercial single-family dwelling together with such land, in the same ownership as the dwelling, as the Secretary determines is reasonably necessary for the enjoyment of the dwelling for single-family residential use.

SEC. 5. INTERPRETATION.

In administering the Park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the Park and the general public, the battles of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people, especially on the American South.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LIGHTFOOT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 875, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 875, a bill introduced by our colleague, the gentleman from Virginia [FRENCH SLAUGHTER] gives a legislative boundary to four battlefields in the environs of Fredericksburg, VA. That is the battlefield of Fredericksburg, the battlefield of Chancellorsville, the battlefield of Spotsylvania Courthouse, and the Wilderness. Of course, these are Civil War battlefields and the military encounters were fought between 1862 and 1864.

These were important because of their strategic relationship to Richmond, the capital and industrial center of the Confederacy, and important in other respects, Mr. Speaker, because they involved the engagement of I think probably the two most noted generals that fought in the Civil War; that is, Gen. Robert E. Lee and Gen. Ulysses S. Grant.

Mr. Speaker, I want to commend the sponsor of this bill, the gentleman from Virginia [FRENCH SLAUGHTER] for his efforts on it and his support for the preservation of our Nation's history.

I will not go through the history of these battles. There were terrible losses encountered for a long time, and the preservation of this is in what we call the Antietam model. That is, just by preserving some of the key locations and earthen works, much of the other land was passive, that is used or maintained in its original condition as farmland and so forth.

□ 1240

But as the author so well knows, and as the Park Service has pointed out, the path of urbanization and development has reached Fredericksburg. With that I think we have to formalize the boundaries to preserve the integrity of these historic grounds.

There are many issues to be engaged with regard to this, but suffice it to say I think that we will avoid another problem as we had regarding the issue of Manassas, where we had to purchase land that was actually intended for a shopping mall in an area that was of historic significance, and we hope would, in establishing the legislative boundaries here, we have avoided that particular pitfall.

There are some other concerns in the committee report which are articulated with regard to the Po Reservoir and a variety of other issues that are of concern to the committee and to the Congress. I think they are sufficiently dealt with there, but I want to draw the attention of my colleagues to them because the cooperation and the understanding that the committee has in acting on these measures I think is key to accomplishing the goals that are stated in this legislation and in that committee report.

Mr. Speaker, H.R. 875, a bill introduced by our colleague, FRENCH SLAUGHTER, gives a legislated boundary to four battlefields in the environs of Fredericksburg-Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness. The military encounters fought between 1862 and 1864, were important because of their strategic relationship to Richmond, capital and industrial center of the Confederacy. I commend the sponsor of this bill for his efforts on it and support for the preservation of our Nation's history.

At the Battle of Fredericksburg, December 1862, Lee won his most one-sided victory in the year. Chancellorsville, April 1983, saw another Confederate victory marred by the loss of Confederate Gen. Stonewall Jackson. At Wilderness, May 1864, a tactical draw between Grant and Lee, Grant took terrible losses but continued his

operation by moving around Lee's flank commencing his war of attrition that would eventually end the Civil War in Union victory. At Spotsylvania Courthouse, May 1864, located on the shortest route to Richmond, Lee again confronted Grant on the Road to Richmond. After 2 weeks of fighting Grant again disengaged and moved around Lee's flank, forcing Lee to fall back closer to Richmond.

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, established in 1927, consists of four separate units located in central Virginia. The original land acquisition approach was a modified Antietam plan, in which only the actual fighting lines, earthworks, et cetera, were acquired instead of the larger battlefields. At our hearing on this bill, various historians, preservationists, and civil war enthusiasts emphasized that Fredericksburg and Spotsylvania County National Military Park needed additional acreage and greater protection in the face of this area's rapid growth. We should not wait to acquire these lands until there is another crisis such as we had last year on Manassas. We should identify and preserve the significant parts of this area now, rather than waiting until the bulldozers are moving.

Some of the Civil War groups have argued that changing the names of Civil War parks to "National Battlefields" will prevent "nonappropriate recreational uses." Management problems, such as excessive recreational use, are not solved by name changes. I do not object to some recreational use of the Civil War parks. These parks exist for all of us, as long as we enjoy them appropriately and do not adversely affect their resources.

The committee adopted an amendment in the nature of a substitute that changes the map references to incorporate several of the most significant areas of these four battles. Two in particular deserve mention—the area of Gibbon's breakthrough—one of the only two Union successes at the Battle of Fredericksburg—and the woods and fields east of the Chancellorsville intersection. The bill now directs the National Park Service to interpret the whole story of the Civil War, including its causes and consequences for all Americans.

H.R. 875 as introduced did not use the proper name of the park in the title of the bill. The title of the bill will be amended to correct that error. These changes should go far to help the park fulfill its purpose of preserving and interpreting this part of our history. Again, I want to thank our colleague, Congressman FRENCH SLAUGHTER, for his cooperation on this bill. Mr. Speaker, I also endorse this legislation, and recommend that it should pass.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 875 to expand the boundaries of the Fredericksburg and Spotsylvania National Military Park in Virginia. As our subcommittee chairman has explained under the amended version of H.R. 875 before us today, the National Military Park will consist of 7,790.6 acres, an increase of 1,883 acres.

The bill authorizes additional land acquisition, land exchanges and addition for lands outside of the new boundaries, acquisition of alternative rights of access and acceptance of donated conservation easements and it changes the name of the park to Fredericksburg and Spotsylvania National Battlefields.

Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. SLAUGHTER] in whose district the park would be located.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I am most pleased today to present before the Members of this body legislation to preserve, protect, and enhance the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

I am privileged to represent the Seventh Congressional District of Virginia, which contains this park, and I appreciate the opportunity to work with the distinguished chairman of the National Parks Subcommittee, Mr. VENTO, in bringing this legislative effort to fruition.

Our legislation will enable the National Park Service to meet its mission of protecting lands involved in four key Civil War Battles—Chancellorsville, Fredericksburg, Spotsylvania Courthouse, and Wilderness—and of promoting a better understanding of our country's history as shaped during these battles. This bill also establishes the park's first legislative boundary and involves changes in the boundary to include a total net addition of 1,860 acres to the park.

I believe H.R. 875, as reported by the Committee on Interior and Insular Affairs, reflects a carefully drafted response to the needs of the park. This bill represents the product of a thorough review of all parties concerned for the protection of the park and for the preservation of America's rich history. I want to thank the gentleman from Alaska, [Mr. YOUNG], the gentleman from Montana [Mr. MARLENEE], the gentleman from California [Mr. LAGOMARSINO], and the gentleman from Virginia, [Mr. PARRIS] for their support and their concern to protect all lands at the park determined to be historically significant and for their efforts in forging favorable and expedient consideration of this important preservation legislation.

This park is of great importance, both economically and historically, to the surrounding communities and to the entire Commonwealth of Virginia. I am therefore pleased that the local governing bodies and community leaders stand strongly behind the legislation we are offering on the floor today; indeed, their assistance was essential in shaping this bill.

I would also like to take this opportunity to thank the distinguished chairman of the Committee on Interior, Mr. UDALL, whose leadership paved the way for the expeditious consideration and approval of the park expansion bill, so vital for the protection of these battlegrounds now facing the encroachment of growth and industry in an area sensitive to the needs of expansion.

Finally, I would like to thank my colleague, the gentleman from New York [Mr. MRAZEK] who joined me in introducing this legislation at the beginning of the year and whose assistance was vital to its success.

Mr. Speaker, the preservation and proper interpretation of key Civil War battlefield sites is crucial to understanding our history as a nation. I certainly hope that my colleagues will assist in this endeavor with regard to the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park by approving H.R. 875 to provide a timely response to the needs for the preservation and protection of these historic national sites.

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

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

Mr. Speaker, let me thank my colleague, the gentleman from Virginia [Mr. SLAUGHTER], for his kind remarks about my work but indeed the committee that he set and the work he has done has been instrumental in bringing this to fruition.

It is good for them to establish that type of working relationship with the park.

Mr. Speaker, I also want to recognize the gentleman from New York [Mr. MRAZEK], who has been one of those in the vanguard of fighting for historic preservation with special interest with regard to the Civil War and the concerns that that cultural resource represents.

As I said, Mr. Speaker, these battlefields are enormously important. They are places where Robert Lee and Ulysses Grant proved their mettle. And incidentally, in one of these battlefields Stonewall Jackson lost his life.

So they are important parts of our history to remember with respect to that tremendous problem that occurred in our civil strife and conflict in the middle of the 19th century.

Mr. PARRIS. Mr. Speaker, I rise in support of H.R. 875, The Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989, intro-

duced by my good friend and colleague Representative D. FRENCH SLAUGHTER, JR. The bill will acquire 1,200 acres in Virginia to preserve and commemorate the sites of four Civil War battles—the Battles of Chancellorsville, Fredericksburg, Spotsylvania Court House, and Wilderness.

It was my pleasure to move in committee that this bill be reported to the full House and I hope it will be supported by my colleagues.

The countryside in and around Fredericksburg, VA, was the setting for four major battles of the Civil War in 1862, 1863, and 1864 which resulted in more than 100,000 casualties to our Nation's finest men. Because it is situated midway between Washington, DC, and Richmond, VA, the capital of the Confederacy, this area during the Civil War became some of the most fought-over ground in our history.

Every year almost 1.8 million people visit the Fredericksburg-Spotsylvania National Military Park to stand on the same ground where Conferederate Gen. Robert E. Lee and Stonewall Jackson took on Union forces led by Generals Hooker, Meade, and eventually Grant to decide the fate of this Nation. The visitors to this park come to walk the ground, view the fortifications, reflect on the issues that caused this great conflict and remember the many incidents of bravery and valor that occurred during those memorable times.

Congress, recognizing the importance of this area established the Fredericksburg-Spotsylvania National Military Park in 1927. However, instead of incorporating the complete battlefields into the park, Congress chose to acquire primarily fighting lines and earthworks. This has created problems as modern development pressures in the region are now threatening the integrity of these historic sites.

Concerned about this development and its effect on the battlefield sites, Congress requested a Civil War boundary study which lead to the formulation of the military park's 1986 land protection plan. H.R. 875 incorporates the findings of this plan, expands the boundaries of the park by 1,200 acres and preserves and protects the integrity of this area for future generations of Americans.

I applaud Representative SLAUGHTER's tireless efforts to bring this bill to fruition. The citizens of this Nation owe him an enormous debt of gratitude for seeing to it that a major piece of American history will remain untainted to be enjoyed for posterity. His efforts along with those of Congressman VENTO have met the needs of the Fredericksburg community on this bill and allowed the bill to move forward with minimal controversy.

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

The SPEAKER pro tempore (Mr. PICKETT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 875, as amended.

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

The title of the bill was amended so as to read: "An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, VA."

A motion to reconsider was laid on the table.

BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1989

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 919) to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit.

The Clerk read as follows:

H.R. 919

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 "Big Thicket National Preserve Addition Act of 1989".

SEC. 2. ADDITIONS TO BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—(1) Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), is amended as follows:

(A) Strike out "map entitled 'Big Thicket National Preserve'" and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary')" and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated July, 1988, and numbered BITH175-80,003, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and National Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter in this Act referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

(B) Strike out "and" in the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(C) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ";".

(D) Add at the end thereof the following:

"Village Creek Corridor unit, Hardin County, Texas, comprising approximately six thousand and eighty-eight acres;

"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately six thousand one hundred and twenty acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand seven hundred and ninety-two acres.".

(2) The first sentence of subsection (c) of such Act is amended by adding at the end thereof the following: "Within one year after the enactment of this sentence, the Secretary and the Secretary of Agriculture shall determine which timberlands within their respective jurisdictions in the vicinity of the preserve may be suitable for exchange and shall offer to exchange such lands for timberlands within the boundaries of the preserve which have not previously been acquired. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the respective Secretary as the circumstances require. In the exercise of this exchange authority, the Secretaries may utilize any authorities or procedures otherwise available to them in connection with land exchanges.".

(b) ACQUISITION.—(1) Subsection (c) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), the Act is amended by inserting "(1)" after "(C)" and by adding the following at the end:

"(2) Privately owned lands or interests used for noncommercial residential purposes and located within the Village Creek Corridor Unit, the Big Sandy Corridor Unit, or the Canyonlands Unit may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historical, cultural, and other values for which the Preserve was established. For purposes of this paragraph, development or proposed development of private property within the boundaries of the Preserve that is significantly different from, or a significant expansion of, development existing as of October 22, 1987, shall be considered by the Secretary as detrimental to the values for which the Preserve was established.".

(2) Section 3(b) of such Act (16 U.S.C. 698(b)) is amended by adding at the end thereof "For the purposes of any improved property located in the Village Creek Corridor unit, the Big Sandy Corridor unit, or the Canyonlands unit, the date 'July 1, 1973' shall be treated as 'October 22, 1987'.".

(C) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

The SPEAKER pro tempore. Under the rule a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 919, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 919, introduced by our colleague, Representative CHARLES WILSON, would authorize the addition of three areas, totaling approximately 14,000 acres, to the Big Thicket National Preserve. The three additions proposed by H.R. 919 would link with existing units of this internationally acclaimed ecological preserve.

The Big Thicket National Preserve was established by Public Law 93-439 in 1974 to protect remnants of the complex biological ecosystem found in this section of southeast Texas. The Preserve is composed of 12 distinct units and river corridors comprising approximately 85,000 acres. Often referred to as the biological crossroads of North America, the Big Thicket contains a diverse multitude of flora and fauna. The uniqueness of this resource was further recognized in 1981 with its designation as an international biosphere preserve.

The legislation before us today is identical to a bill (H.R. 3544) that the House passed late in the 100th Congress but was not enacted prior to adjournment. The Committee on Interior and Insular Affairs held hearings both last year and this year on the issues raised by this legislative proposal. While the three additions would provide important biological and geographical linkage to the preserve, they have not been without controversy. The legislation, though, reflects the language we worked out last year to minimize any possible impacts on private landowners.

H.R. 919 contains both acquisition and exchange authority to deal with timberlands located within the three additions. Moreover, the bill provides that if private, noncommercial landowners help preserve the waterway corridors by foregoing adverse developments then they will not be unduly impacted by the legislation.

The resource values of the areas in question have been evident for many years. As a Congressman from Texas, our current President, George Bush, recognized the value of these additions and included them as part of the considerably larger Big Thicket National Park legislation he introduced in 1970. The areas of most contention, Big Sandy Creek and Village Creek were also part of the National Park Service proposal in the early 1970's. Years later we are again seeking to address those resources values, though in a considerably smaller form than what was being considered in the early 1970's.

The proposal before us recognizes that development has altered the land around the three additions. The legislation is exceedingly sensitive to that issue. Representative WILSON, who represents the area, has developed the boundary lines of his legislative proposal to minimize possible impacts on this existing development. Out of the approximately 14,000 acres only about 2,800 acres are private lands not owned by timber companies. I believe it is important to note that based on information supplies by the National Park Service there are only two permanent residences inside the proposed boundary and even these two properties are eligible for life tenancies if acquired.

Further, while the lands in question represent less than one-tenth of 1 percent of the timberlands within Texas, not even all of these timberlands within the proposed additions are harvestable and where there is timber that has value the bill provides for possible land exchanges in lieu of monetary compensation.

Mr. Speaker, I believe H.R. 919 is a good resource conservation proposal that deserves our support. As written, it is a good faith effort to address realistic community impacts while still focusing on the protection of wildlife habitat and the enhancement of what remains of this unique ecosystem.

□ 1250

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

Mr. Speaker, I rise with deep concerns about H.R. 919, a bill to expand the boundary of Big Thicket National Preserve. The addition would include approximately 14,000 acres of land in the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit. My concern stems from a number of issues raised during the committee process on this legislation. Specifically, the significance of the lands proposed for inclusion in the Preserve, the impacts of the bill on the private landowners and the timber industry, and the cost of the legislation. To date, these concerns have not been adequately addressed.

The effect of H.R. 919 upon the timber industry in east Texas is of concern. Several thousand acres of productive east Texas national forests have already been withdrawn for the protection of the red-cockaded woodpecker and recreation and wildlife purposes. While this bill on its own would not have a significant impact on the timber industry, it would serve to compound the problem of reduced future timber supplies for the east Texas region.

Concerns have also been expressed regarding the cost of H.R. 919. Not only would timber receipts be reduced, but land acquisition costs are estimated at $28 million. The Federal Government has already expended approximately $96 million for acquisition at Big Thicket National Preserve. Authorizing additional expenditures for this area during this time of fiscal constraint is not responsible policy.

Finally, timely compensation for the private landowners within the proposed addition is a problem. Many of the landowners included in the original preserve 14 years ago are still waiting for payment. Considering the current land acquisition backlog for the National Park Service—estimated to be approximately $1 billion—this is a serious problem.

Mr. Speaker, I believe land use decisions should be based on good information and good land management prescriptions. I don't believe that is the case with this piece of legislation. In addition, there is a great deal of opposition to the bill from local citizens, the timber industry, and the administration.

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

Mr. VENTO. Mr. Speaker, I have no further requests for time, but I must say, the gentleman from Texas [Mr. WILSON], has been diligent in pursuing this. He has held numerous hearings locally with regard to this policy. There has been substantial documentation provided for the record for the committee files concerning local opinion. Congressman WILSON was the initial sponsor of the legislation that was finally enacted in 1974, and he is asking Members to pass judgment on this measure today, something completely in his district. I think it has the support of the professionals in the field, and I would hope that the Congress would respond positively. It is imperative that we provide additional protection to some of the streams that feed directly into the main corridors of the Big Thicket Preserve. In the absence of doing that, we will see sedimentation and degradation of this particular park resource. The 14,000 acres is really key and instrumental to the protection of the overall resource.

We had abundant testimony about the uniqueness of this area. Some is subtropical, bottom lands, hardwood type of areas. It is a very, very unique area that is present in this eastern Texas area, this Big Thicket area. The protection afforded here is no more than, really, minimal to protect the biological and ecological integrity of this resource. The gentleman from Texas [Mr. WILSON] has worked hard. He has substantial support in the delegation and in the Senate. I would urge my colleagues to act favorably on this, as we did in the last Congress when we passed this overwhelmingly on suspension of the rules in 1988.

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

The SPEAKER pro tempore (Mr. PICKETT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 919.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 919, the bill just passed.

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

There was no objection.

AUTHORIZING DEVELOPMENT OF TRAILS INTERPRETATION CENTER IN COUNCIL BLUFFS, IA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 952) 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, as amended.

The Clerk read as follows:

H.R. 952

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) the nineteenth century American westward movement was an important cultural event in shaping the postcolonial history of the United States;

(2) the nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explorers, religious groups, and scientists; and

(3) additional recognition and interpretation is appropriate in light of the national scope of the nineteenth century American westward movement.

(b) PURPOSES.—The purposes of this act are—

(1) to recognize the system of western trails established in furtherance of the National Trails System Act because of their national historic and cultural significance; and

(2) to provide the public with an 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 Systems 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 the 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 two years after 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 of 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 Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc., and shall provide an opportunity for public comment.

(3) Upon completion, the Secretary shall submit the plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(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. Federal funds to carry out this section may only be expended on a two-for-one matching basis with non-Federal funds, services or materials fairly valued, or any combination thereof.

(d) AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CENTER.—Before undertaking the construction of the center, the Secretary shall enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed as provided for by this Act. Any such agreement shall provide that—

(1) the non-Federal entity agrees to operate and maintain the center and make no major alterations of the structure or grounds without the express written authorization of the Secretary;

(2) a plan of operations shall be submitted that is satisfactory to the Secretary;

(3) the Secretary shall have access to documents relating to the operation and maintenance of the center;

(4) the Secretary, through the National Park Service, shall have the right of access to the center; and

(5) the United States shall be held harmless from all events arising from the operation and maintenance of the center.

(e) COOPERATIVE AGREEMENTS FOR TECHNICAL ASSISTANCE.—The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities to provide technical assistance with respect to the center.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated not more than $6,000,000 to carry out this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LIGHTFOOT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman fom Minnesota?

There was no objection.

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

Mr. Speaker, H.R. 952, introduced by our colleague, Representative JIM LIGHTFOOT, authorizes the Secretary of the Interior to provide for the development of a Trails Interpretation Center in the city of Council Bluffs, IA.

Through the National Trails System Act, Congress has provided for the commemoration, preservation, and interpretation of certain routes of travel undertaken by early pioneers in the exploration and settlement of the western United States. At least nine national park units are associated with designated National Historic Trails and hundreds of historic sites along such trails have been identified. H.R. 952's purpose is to provide additional interpretation on the history of the Lewis and Clark, Mormon Pioneer, and Oregon National Historic trails in the State of Iowa and the surrounding region.

During consideration of H.R. 952, the Committee on Interior and Insular Affairs made several changes to refine and limit the scope of the measure, based on the testimony and comments we received. As amended, H.R. 952 directs the Secretary of the Interior to prepare a plan and design for the Center within 2 years of enactment. Such plan shall be made available for public comment and shall be submitted, upon completion, to the appropriate committees of the Congress. The bill also requires that any Federal contribution to the development of the Center, up to the authorization limitation of $6 million, be matched on a two-for-one basis with non-Federal funds, services, or materials.

Finally, the revised bill requires that a binding agreement with a qualified non-Federal entity be entered into prior to construction. Such agreement is to provide for the operation and

maintenance of the completed Center by the qualified non-Federal entity.

Mr. Speaker, there has been considerable interest in enhancing the interpretation of National Historic Trail resources. I believe the limited and targeted assistance provided for in the amended legislation is appropriate to achieve those purposes in this instance. I was pleased to be able to work with my colleague from Iowa, Mr. LIGHTFOOT, to address the issues raised in the consideration of this legislation. I support H.R. 952, as amended, and recommend its adoption by the House.

□ 1300

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

Mr. Speaker, after 4 years of planning, and many meetings with all parties involved, I am very excited this project is moving one step closer to reality. I especially want to thank the distinguished chairman of the National Parks and Public Lands Subcommittee, Mr. VENTO, and the ranking Republican members of the subcommittee, Mr. MARLENEE and Mr. LAGOMARSINO, for all their help on this project. The House Interior Committee unanimously passed H.R. 952 last week.

As you know, Mr. Speaker, there is no educational facility in the Nation designed to interpret and commemorate this era of our history. We have the unique opportunity to assist in the creation of a center which will become a national clearinghouse for information commemorating the western movement and specifically, the California-Oregon, Lewis and Clark, and Mormon Trails. These three trails crossed in the Greater Council Bluffs, IA, area.

The preliminary plans outlined by the Board of Directors of the National Western Historic Trails Center include such items as the following: a library which would offer materials and space for the study of Western historic trails; a national repository of historic documents pertaining to the westward movement; artifacts of major historic events surrounding westward expansion; and finally, educational, interpretative, and cultural programs to assist in the understanding of the lives of those pioneers who traveled the trails west.

That is what this bill is about, Mr. Speaker, recognizing the thousands of pioneering Americans who had the courage to brave the elements to search for a better life; 200 years ago the trails that guided our Nation west ended at the Mississippi River. What lay beyond was a vast, unknown land, inhabited by native peoples, but traveled by only a few rugged European fur traders brave enough to endure its hardships.

The existence of this unchartered land prompted President Thomas Jefferson in 1803 to commission Lewis and Clark to explore this territory. In fact, Lewis and Clark were responsible for naming a part of that territory as "Council Bluffs," referring to a location in the bluffs near the Missouri River where meetings were held with native Americans.

Twenty years later, the Latter Day Saints opened another trail, 1,300 miles long, in their flight from religious persecution. It is estimated that over 14,000 Mormons camped in what is now present day Council Bluffs, IA, in their trek for religious freedom that finally ended in Utah.

At that same time, thousands of gold seekers and homesteaders followed the California-Oregon Trail and its promise of a new life in the West. Like Lewis and Clark and the Latter Day Saints, these gold seekers and homesteaders traveled on trails that went through the Council Bluffs area. Within the brief span of 50 years, the dream of an American Continent open from sea to sea became a reality.

Few Americans understand the significance of these designated national historic trails in our Nation's development. In fact, an analysis of nearly 140 historic and cultural sites in the Midwest revealed that not one of them has educational facilities or programs which directly interpret and celebrate this important era in our history. Volumes of historic data and artifacts from the 19th century westward movement remain scattered across the country and in Europe. Bringing many of these artifacts together in one place is one of the primary goals of the center.

The convergence of these trails at the Missouri River near the Council Bluffs-Omaha area was more than just a meeting of paths. Rather, it became a crossroads of the cultures of thousands of travelers who stopped, took stock, and indelibly left their mark on history. Clearly, the Nation needs a central informational, archival, and interpretive facility where the role of the western historic trails can be recognized, researched, interpreted, and celebrated.

Finally, Mr. Speaker, this proposal has tremendous State and local support and commitment. In fact, the entire Iowa congressional delegation, in both the House and Senate, has cosponsored this bill. Also, the city of Council Bluffs has outlined land, services, and infrastructure changes totaling more than $1.5 million, including a State match of $250,000 for the project.

Finally, the Western Historic Trails Center will be operated and maintained by the Iowa State Historical Society. This is a very unique situation and an honor for the highly regarded Iowa State Historical Society. Like the National Park Service, the Iowa State Historical Society is a first-class operation. It is believed by many that the Iowa State Historical Society is the leading State historical society in the Nation, and I am pleased they have deemed the Western Historic Trails Center worthy enough to volunteer their services.

Once again, I would like to thank the distinguished subcommittee chairman, Mr. VENTO, for all his assistance on this project. Additionally, I would like to thank Mr. Larry Mankin of Council Bluffs for all the technical expertise he provided on the Western Historic Trails Center project.

I urge my colleagues to support H.R. 952.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Iowa [Mr. LIGHTFOOT] for his hard work. He has been working on this for a few years, has brought about a consensus back home and has worked for a consensus in the Committee on Interior and Insular Affairs subcommittees, and I think he has done a yeoman's service to respond to and provide a need in terms of interpretation of these important historic trails that have been designated and sort of the crossroads where they all came through Iowa, a little further south from the area I represent in Minnesota. But nevertheless we are going to be happy to drive down there someday and take a look at the interpretive work they will be doing. It is necessary and a desirable goal. I commend him for it.

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

Mr. LIGHTFOOT. Mr. Speaker, I again would like to thank the distinguished gentleman from Minnesota [Mr. VENTO] for his invaluable help in putting this project together.

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

The SPEAKER pro tempore (Mr. PICKETT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 952, as amended.

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

A motion to reconsider was laid on the table.

CONSTITUTIONALITY OF BILL PROTECTING INDEPENDENCE OF NATIONAL PARK SERVICE DIRECTOR

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

Mr. VENTO. Mr. Speaker, we are about ready, I think, to go on the rule for the consideration of the national

parks and the national park reorganization legislation, H.R. 1484, which I have sponsored.

Because this issue has engendered a number of questions concerning the constitutionality of this matter, I had asked for the Congressional Research Service, both in 1988 and again in 1989, in light of a number of court cases, to determine the questions of constitutionality that were raised by the Department of Justice. I, as well, had asked the House counsel, Mr. Steven Ross, the Clerk and House counsel, to do an evaluation of the constitutional questions raised by that.

Mr. Speaker, I ask unanimous consent to place in the RECORD the correspondence from Mr. Ross to me as chairman of the Subcommittee on National Parks and Public Lands.

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

There was no objection.

Mr. VENTO. Mr. Speaker, in its entirety it is some seven pages in length. It is the key to the debate we are going to have, not on the rule specifically, but on the National Park Service. I might say that they come back with a ringing affirmation of the proper conduct of the Congress in legislating and in dealing with the structure of the departments and agencies, one that goes back some 200 years.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 1989.

MEMORANDUM

To: The Hon. Bruce F. Vento, Chairman, Subcommittee on National Parks and Public Lands.

From: Steven R. Ross, General Counsel to the Clerk. Charles Tiefer, Deputy General Counsel to the Clerk.

Subject: Constitutionality of Bill Protecting Independence of National Park Service Director.

The Interior Committee has reported H.R. 1484, a bill which would protect the independence of the Director of the National Park Service, by prohibiting his removal by the President except for cause. In comments, the Justice Department has challenged the bill as unconstitutional. You have asked us to review the Department's challenge. In light of *Morrison* v. *Olson*, 108 S. Ct. 2597 (1988), in which the Supreme Court sustained the independent counsel statute, which this office defended on behalf of the Speaker and Bipartisan Leadership Group, and rejected arguments by the Department of Justice similar to those it now makes against this statute, the Justice Department's challenge is utterly without merit.

LEGAL ANALYSIS

The Committee's bill regarding the national park service, H.R. 1484, responds to the extensive record developed by the Committee of political interference by the Administration in the day-to-day operation of the National Parks. Political interference means in this context that preferred groups or individuals, by going through political channels, obtain favors regarding improper exploitation of the public parklands, to the serious detriment of the nation's environment. See *Establishing a National Park System Review Board, and For Other Purposes: H.R. Rept. No. 133*, 101st Cong., 1st Sess. 2 (1989).[1] H.R. 1484 would curb political subservience by giving the Park Service Director a 5 year term and providing that he not be removable except for inefficiency, neglect of duty, or malfeasance in office. Such protections are the classic method for preventing political interference and favoritism.

In a letter of May 17, 1989, from Carol T. Crawford, Assistant Attorney General for Legislative Affairs, to Chairman Bruce F. Vento, the Justice Department attacks such protections for the independence of the Park Service Director as unconstitutional. It contends that the President must be able to remove the Park Service Director at will "to ensure that the executive branch speaks with one voice," in order to fulfill his duty to "take care that the laws be faithfully executed." Art. II, sec. 3.[2]

The recent Supreme Court decision in *Morrison* v. *Olson* upholding the Independent Counsel statute relegated this kind of sweeping, undifferentiated Justice Department argument challenging limits on removability to the realm of the historical curiosity. In that case, the Court considered the work of independent counsels, after the Justice Department had argued that such prosecutors had the purest of purely executive jobs, and had to function as the direct arm of the President. It should be noted that even in that case, the Justice Department's primary complaint concerned how independent counsel were appointed—namely, that the President did not appoint them, but rather the judiciary did—and that the complaint that independent counsels also had to be removable at will by the President or the Attorney General was a subsidiary complaint. The Supreme Court rejected the Department's challenge to the removal restriction, finding that allowing removal of an independent counsel for cause left the Attorney General (who had the limited removal power, as, for the Parks Service Director, the President would have that power) with sufficient control to satisfy constitutional concerns.

The Justice Department's letter offers a string of efforts to distinguish *Morrison* v. *Olson*, whose inadequacy only emphasizes the weakness of the Department's position. First, it notes that the independent counsels, by virtue of their mode of appointment (which did not require Senate confirmation), were "inferior" officers, while the director of the Park Service, who is nominated by the President and confirmed by the Senate, is a "principal" officer. The Department argues that principal officers "have traditionally been viewed as being at the heart of that corps of officers whom the President must have unfettered discretion to supervise. . . ." Letter of May 17, 1989, at 3.

However, this argument runs utterly contrary to the history of Supreme Court decisions on removability of officers. The *Morrison* decision, sanctioning limits on removability of inferior officers, was not the first decision on the subject. As noted above, the issue of removability was not even the Justice Department's primary complaint about the independent counsel statute. In contrast, other cases had as their primary focus a restriction on removal. Specifically, the leading such case in which the Court sustained removal only for cause concerned commissioners of the Federal Trade Commission, *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935), and such commissioners were principal officers, nominated by the President and confirmed by the Senate. Limits on removability of principal officers thus have a firmly sanctioned fifty-year history. Heads of a large number of independent agencies, such as the Federal Reserve Board, are similarly nominated and confirmed, and similarly protected against removal except for cause. It would be ludicrous to imagine that when the Supreme Court sanctioned the limits on removability in *Morrison*, it was somehow undercutting the law that had been so long established even prior to *Morrison*, for the past fifty years.

Next, the Department argues that the Park Service "Director would not have jurisdiction as limited in time and scope as that of the independent counsel in *Morrison*," and would not have "to follow policy guidelines established by the Department of the Interior" as independent counsels follow departmental guidelines. Letter of May 17, 1989, at 4. Nothing in *Morrison* suggests these are crucial distinctions. Looking at such independent counsels as Archibald Cox during Watergate, or Judge Lawrence Walsh during Iran-Contra, few would describe them as having insignificant duties. More important, the President has considerable authority regarding the Park Service Director that he lacks for independent counsels. Above all, the Department completely ignores that the President still nominates the Park Service Director, whereas he does not appoint independent counsels, who owe their selection to the courts. Like the chairman of the Federal Reserve Board, the Park Service Director has an important job, and has a fixed tenure and scope of authority, and like that chairman, the Park Service Director is a Presidential choice.

Finally, the Department contends that "unlike the situation in *Morrison*, where there was arguably an inherent conflict of interest between the President's duty to prosecute individuals and his putative concern for protecting his closest personal advisers, there is no conflict between the President's duty to execute the law and the Director's duty . . . ." Letter of May 17, 1989. It is gratifying that the Justice Department, which denied the existence of that conflict of interest throughout the independent counsel litigation, finally (if grudgingly) appreciates that such conflicts exist, but it would represent greater progress in understanding by the Department to recognize that conflicts between the occurrence of political interference, and the proper performance of the law may occur in other offices, too. Certainly, the Supreme Court recognizes this. A conflict similar to the Park Service's, between political interference and agency fulfillment of its mandate, lay behind the independence for FTC commissioners upheld in *Humphrey's Executor*.[3] Congress may best deter-

[1] The House passed a similar bill in the 100th Congress. The Congressional Record for July 27, 1988, addresses the record of the need for the bill.

[2] This completely misconstrues the "faithful execution" clause, which the Framers intended, not as a grant of power to the President, but as a prohibition against his refusing to obey ("execute") enacted statutes. *See Lear Siegler, Inc.* v. *Lehman*, 842 F.2d 1102 (9th Cir. 1988).

[3] "[F]rom 1903 to 1913 Congress had experimented with using the Bureau of Corporations, an agency under presidential control, and had found

mine whether the Park Service Director has a position involving such a conflict, as it is doing, from an actual historical record regarding the subject, than can the Executive Branch with its vested interest in retaining political control.

The Justice Department also objects to provisions guaranteeing that the Park Service Director can transmit information to Congress without prior White House screening. Such an objection is utterly without merit. "[T]he statute books are replete with examples of Congress limiting review by OMB"—meaning statutes allowing direct transmission to Congress—"of budget requests, legislative proposals, proposed agency rules, and other required reports and documents." Rosenberg, *Congress's Prerogative Over Agencies and Agency Decision-makers: The Rise and Demise of the Reagan Administration's Theory of the Unitary Executive,* 57 Geo. Wash. L. Rev. 627 672 (1989). The very first Congress imposed direct reporting requirements (on the first Secretary of the Treausry, Alexander Hamilton), and it was the rule throughout the government that agencies reported directly to Congress, until the twentieth-century innovation of centralized Budget Bureau clearance of budget requests and legislation. While pre-clearance is helpful for those agencies properly subject to central political control, there is no constitutional requirement for pre-clearance of information before transmittal to Congress.[4]

PROVIDING FOR CONSIDERATION OF H.R. 1484 ESTABLISHING A NATIONAL PARK SYSTEM REVIEW BOARD

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 199 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 199

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 199 is an open rule providing for the consideration of H.R. 1484, a bill which would require Presidential selection and Senate confirmation of the Director of the National Park Service.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. The bill shall be considered under the 5-minute rule and each section shall be considered as having been read.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the National Park Service is responsible for managing the Nation's parklands to see that they are preserved for future generations. The foresight of those who came before us in setting aside our Nation's natural wonders is greatly appreciated by the millions, literally millions, who visit these parks every year.

We have a special responsibility to see that these areas are preserved in their original state.

H.R. 1484 would provide greater autonomy for the National Park Service by moving all administrative and managerial functions for the park system from the Office of the Secretary of the Interior to an independent director within the Department. The Director would be a Presidential appointee confirmed by the Senate, who would serve a fixed term of 5 years.

Under this restructuring, the Director would be permitted to communicate with the Congress on all matters affecting the Park Service without clearance from Department officials. Removal of the Director could be only for inefficiency, neglect of duty, or malfeasance in office.

Mr. Speaker, to my knowledge there is no controversy over this rule. It is an open rule.

House Resolution 199 is an eminently fair rule providing for open and full discussion of a bill important to our Nation's future. I urge the adoption of House Resolution 199 so we may proceed to consideration of this legislation.

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

Mr. Speaker, House Resolution 199 is an open rule under which the House will consider legislation that transforms the National Park Service into an independent agency within the Department of the Interior.

The bill made in order under this rule, H.R. 1484, is a patently bad idea and should be defeated. The Members should be grateful, however, that it will be open to amendment under the 5-minute rule and that there are no waivers involved.

Mr. Speaker, the essence of article II of the Constitution is that the President is the head of the executive branch, and as such, the President is to have authority over Cabinet departments and their subordinate bureaus and agencies.

The bill made in order by this rule would stand article II of the Constitution on its head. It restricts the President's authority to remove the Director of the National Park Service, and the language used is obviously intended to make the Director the head of an independent agency.

Mr. Speaker, under the rule, the bill will be open to amendment. Amendments will be necessary, if the sponsors of the bill ever hope to see the day it is signed into law.

The administration has issued a strongly worded statement about the bill, that outlines their specific objections. I insert at this point in the RECORD the statement of the administration's policy on the bill:

H.R. 1484—INDEPENDENT NATIONAL PARK SERVICE

If H.R. 1484 were presented to the President, the Secretary of the Interior, the Attorney General, and the Director of the Office of Management and Budget would recommend that he veto the bill. This bill's limitation on the President's authority to remove the Director of the National Park Service, and the exemption from Presidential review of the Director's legislative and budgetary recommendations to Congress, represent an unwise and unconstitutional impairment of the unitary powers of the Executive branch. Moreover, the removal of the Director from the supervision of the Secretary of the Interior would reduce accountability and be contrary to sound management principles.

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

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 828, BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEARS 1990, 1991, 1992, AND 1993

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

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that agency wanting. Congress made the successor to that bureau, the FTC, independent because of the need for non-political exercises of its functions." Teirfer, *The Constitutionality of Independent Officers as Checks on Abuses of Executive Power,* 63 B.U.L. Rev. 59, 83 (1983) (footnotes omitted).

[4] In those rare instances when a President wishes to assert executive privilege, he has done so even where the entity does not report through him, simply by presenting his claim of privilege on its own merits. *See United States* v. *AT&T,* 551 F. 2d 384 (D.C. Cir. 1976).

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 828) to authorize appropriations for the programs, functions and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 19993, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. All points of order against the amendment recommended by the Committee on Interior and Insular Affairs now printed in the bill for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 200 is the rule providing for consideration of H.R. 828, the authorization of appropriations for the Bureau of Land Management for fiscal years 1990 through 1993.

This is an open rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interior and Insular Affairs.

The rule waives clause 7 of rule XVI, which prohibits nongermane amendments against the amendment recommended by the Interior Committee which is now printed in the bill. This waiver is needed because H.R. 828, as introduced, did not amend the Federal Land Policy Management Act, as does the committee amendment. However, the Federal Land Policy Management Act governs the management of BLM lands, so the Rules Committee believes that it is appropriate for the House to consider the changes embodied in the committee amendment in the context of this BLM authorization bill.

Finally, the rule provides one motion to recommit.

Mr. Speaker, H.R. 828, the bill for which the Rules Committee has recommended this rule, would authorize appropriations for the programs, functions, and activities of the Bureau of Land Management for the next 4 fiscal years. The committee amendment, which is now printed in the bill, would make a number of revisions in the Federal Land Policy Management Act of 1976. I urge the adoption of House Resolution 200, so that the House can proceed to the consideration of H.R. 828.

□ 1320

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

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

Mr. Speaker, House Resolution 200 is an open rule under which the House will consider a bill authorizing appropriations for the next 4 years for the Bureau of Land Management.

The bill made in order by the rule, H.R. 828, authorizes appropriations for fiscal years 1990 through 1993. The Congressional Budget Office estimates of the specific amounts are detailed in the report filed by the Committee on Interior and Insular Affairs.

Mr. Speaker, the Interior Committee has taken a routine, quadrennial authorization bill and has added to it several significant changes to the Federal Land Policy and Management Act of 1976. These changes to the Bureau of Land Management's "Organic Act" are reported as title II of H.R. 828.

Mr. Speaker, the Bureau of Land Management manages a vast amount of our public land, especially in our Western States. The responsibility of the Bureau of Land Management extends to some 270 million acres of land.

In the Central Valley area of California that Congressman PASHAYAN represents, the Bureau of Land Management does an outstanding job of management of public land. From his participation in oversight hearings as a member of the Committee on Interior and Insular Affairs, he appreciates the difficult job these dedicated people have to do and I believe they do it quite well.

Now comes the Interior Committee with a whole series of changes to the 1976 act, changes that: Impose unreasonable deadlines for completion of land management plans; restrict State National Guard departments from using agreements with BLM to gain access to public lands for temporary use; and expand various land use definitions, thus requiring a time consuming and costly review of more than 300 existing areas of critical environmental concern.

Mr. Speaker, it is obvious that the sponsors of the bill want to micromanage the Bureau of Land Management. The Members would do well to read the dissenting views filed by the minority members of the Interior Committee.

Mr. Speaker, the administration is opposed to enactment of H.R. 828, and has issued a statement which says the bill would "make a number of substantive changes in the way the Secretary of the Interior manages public lands. These changes would hamper, rather than facilitate, effective land management."

Mr. Speaker, since this is an open rule, the Members will have ample opportunity to amend the bill.

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

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

Mr. Speaker, I am just delighted that we could please the gentleman from New York with this rule and with the other rule, and we want to be as accommodating and as friendly and as open as we can on this side of the aisle to move this Congress forward.

Mr. Speaker, it seems appropriate now that we move to the bill itself and let the competent and capable gentleman from Minnesota [Mr. VENTO], who has championed the environment for so long in this Congress and who has done an outstanding job with our parks, to lead us as we take over jurisdiction on these two important pieces of legislation.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING A NATIONAL PARK SYSTEM REVIEW BOARD

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1484.

□ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, with Mr. DICKS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1484 has a simple purpose, one that any Member who has a unit of the national park system in his or her district can appreciate. The bill simply would correct a growing problem of overt political control and dismemberment of one of the finest professional agencies we have in the executive branch; the National Park System.

The Committee on Interior has received information regarding numerous instances of decisions being made by low-level political appointees which were made over objections of professional personnel in the National Park Service and in many cases by the director of the Park Service, that would have led or are leading to degradation of natural and cultural resources of the parks contrary to the clear directions of the 1916 act establishing the park system and other law. Specifically an assistant secretary ordered the Park Service to allow seismic exploration over 85 miles of Big Cypress National Preserve, overruling the professional opinion that an environmental impact statement was required. That order was withdrawn the day a coalition of environmental groups filed suit against the decision. An agreement between a ski development corporation and the Park Service was signed which would allow ski lifts to cross the Appalachian trail in spite of professional staff advice that the trail could not and would not be protected under terms of the agreement as is required by law.

In other cases professional Park Service employees have been harassed, intimidated, even forced into retirement when they made efforts to protect the park resources, by these same political appointees, who used unjustified adverse employee ratings, threats of adverse transfers, and other adverse personnel rulings.

The former acting assistant secretary for wildlife and parks set up a system to personally approve or reject all promotions for GS-13's and above and to approve or reject all travel requests for park service employees. The Park Service was also required to report all telephone conversations with any Member of the Congress, the staffs, or the staffs of any committee. Regardless of the interference and intimidation these orders highlight, we all should wonder just how much waste and delay is caused by trying to comply with this kind of harassment.

The same assistant secretary tried to quietly change the position of superintendent at Yosemite and Yellowstone National Parks from career professional positions to political senior executive positions. It was only after the attempt was exposed in committee hearings and reported in the press that this blatant move to gut the Park Service was withdrawn.

In 1986 Secretary Hodel ordered a reprimand of Park Service employees regarding a study of aircraft overflights at Grand Canyon National Park and ordered the inspector general to investigate the employees involved in the study. The inspector general was not able to find any misrepresentations in the study but Secretary Hodel never withdrew the reprimand letter.

The Subcommittee on National Parks and Public Lands processed 125 bills that were passed by the House in the 100th Congress; 108 were signed into law as individual bills or parts of other bills and only 3 were vetoed. Regretably, almost all of these bills were officially opposed by the administration. The astounding, almost ludicrous part of the story is that whole most of the bills dealing with the National Park System were supported by professionals, and many were publicly supported by the director of the Park Service he was then required to testify against them during hearings. The political appointees often required the director and other witnesses to distort facts or to claim information did not exist. This kind of abuse of the Congress should not be permitted to continue.

Mr. Chairman, I could cite numerous other examples where these political bureaucrats who lack knowledge and are without understanding of the purpose of the National Park System or the laws that govern them, have taken actions that were and are detrimental to these national treasures. However, I believe those I have discussed amply illustrate the fact that a national system that we in Congress have put in place, after open and public debate and over a period of 117 years is rapidly being dismantled, in secret, by people who cannot be held accountable for their actions and often in violation of the spirit if not the letter of the law.

Many members have units of the National Park System in their districts and those who do know how important that park is to their constituents. They do not want to see their park destroyed by the greed of developers, or miners, or dams, or airports or dirty air or logging or any of the dozens of other things that intrude on our environment every day. That is why we set up a professional agency to protect these things that we in the Congress have deemed to be of special importance. Now because the aggressive actions of special interests who will gain much if the Park Service is muzzled and intimidated we have our parks being run by political flies that can pass through fine mesh screen. No-seeums who make day-to-day decisions that are counter to the purpose for which we established these parks.

I am sure Members do not want the park in their district ruined. I am also sure Members want to hear the truth from the park professionals when you ask them a question and not the answer that some departmental hack told them to give you. I do not believe Members want their name or the names of their staff entered into a national computer net and reported to a political operative every time they call for information. And I doubt Members want the superintendent of their park to be some political campaign worker for whatever President is in office.

Well, that is what is happening and will continue to happen unless we enact H.R. 1484 and return the national parks to professional management.

H.R. 1484 will provide protection from political interference for those dedicated professionals in the National Park Service who are trying to protect the natural and cultural resources in their park in accordance with the laws we have passed. Specifically, the bill would transfer certain authorities from the Secretary of the Interior to the Director of the National Park Service and permit the Director to truly direct the NPS. Require the Director to be a professional, require Presidential nomination and Senate confirmation for the Director, and establish a fixed term of 5 years for the Director, who would be removable only for cause.

In short H.R. 1484 would allow the Director to direct the National Park Service and would place accountability specifically on his or her shoulders so that we and the public would know who is responsible for the state of our national parks.

Let there be no mistake there is a serious problem. The NPS is breaking down. This is a problem of 20 or more years in the making that has grown progressively worse, and the quality of protection for our parks and safeguard against deterioration, or for advocacy in part because of political management of national treasures that know no political party and care nothing for expediency. If the wrong decisions are made the resources are squandered—even lost forever, and the know-nothing political appointees are consistently making wrong decisions.

Please do not be swayed by arguments that the Congress does not have the constitutional authority to devise the structure by which an agency should be managed as some assert. The Congress has devised executive agency structures since the First Congress and such action has been upheld by the Supreme Court repeatedly; including twice in the last 2 years. That argument has been amply rebutted. But to add to that rebuttal I have here a letter from the counsel of the House which sets forth his objections to this unwarranted attempt by the adminis-

tration to restrict the constitutional authorities of the Congress.

Just so my colleagues can be made aware of the seriousness of this attack against the Congress let me quote from the House counsel's letter.

EXCERPTS FROM REPORT

To: The Honorable Bruce F. Vento, Chairman, Subcommittee on National Parks and Public Lands.

From: Steven R. Ross, General Counsel to the Clerk. Charles Tiefer, LT Deputy General Counsel to the Clerk.

Subject: Constitutionality of Bill Protecting Independence of National Park Service Director.

In light of *Morrison v. Olson*, 108 S. Ct. 2597 (1988), in which the Supreme Court sustained the independent counsel statute, which this office defended on behalf of the Speaker and Bipartisan Ledership Group, and rejected arguments by the Department of Justice similar to those it now makes against this statute, the Justice Department's challenge is utterly without merit.

The recent Supreme Court decision in *Morrison v. Olson* upholding the Independent Counsel statute relegated this kind of sweeping, undifferentiated Justice Department argument challenging limits on removability to the realm of the historical curiosity.

The Justice Department's letter offers a string of efforts to distinguish *Morrison v. Olson*, whose inadequacy only emphasizes the weakness of the Department's position.

The Justice Department also objects to provisions guaranteeing that the Park Service Director can transmit information to Congress without prior White House screening. Such an objection is utterly without merit.

[T]he statute books are replete with examples of Congress limiting review by OMB"—meaning statutes allowing direct transmission to Congress—"of budget requests, legislative proposals, proposed agency rules, and other required reports and documents."

It is clear that lacking a good basic argument against H.R. 1484, the administration has enlisted the Department of Justice to conjure up a rather transparent constitutional point, which on even casual review, is weak and preposterous, given the type of rigorous analysis it invites. The Department of Justice ought to be ashamed of itself for being used in this endeavor.

Most of all do not accept the idea that a cosmetic compromise will do the job. We have already compromised. Many believed that only a separate agency would provide the protection the parks need. That is not what this bill does. I and many others believe we need a permanent independent peer review group to keep us and the public aware of what now goes on in the Department of Interior in secret. That is not in this bill. H.R. 1484 has been narrowed to its minimum focus. A sharp focus and weakening amendments will simply allow business to continue as usual; with the wildlife, the vistas, the historic monuments, the archeological sites, and the very land the nationally significant resources that we have sought to protect being lost—and we are as a Nation less when that occurs.

Mr. Chairman, our national parks need this bill and they need all of us to fight for their integrity. Vote yes on H.R. 1484 and against timid policy changes which wrongly reframe this and deny the protection our national parks need.

□ 1330

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

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

Mr. Chairman, I rise in very strong opposition to H.R. 1484. This legislation, constitutional or not, is not wise. This is not good public policy.

As any good advocate can and will do, the chairman of the subcommittee has found a lawyer who has told him what he wanted to hear, that there are no constitutional questions. The administration, arguably, found a lawyer in the Justice Department who told the administration what it wanted to hear, which is that there are constitutional questions. I think as a lawyer myself that there are constitutional questions, but I do not really care because this is just plain bad law, this is bad public policy.

This bill takes the National Park Service and de facto makes it an independent agency. It calls for the appointment of the Director of the Park Service by the President, with the advice and consent of the Senate, which in and of itself is not bad.

□ 1340

It gives the Director of the Park Service a specific limited term of office, 5 years. That is not good.

It allows the President to remove the Director of the Park Service only for not doing his job. And that is not good.

It basically takes away from the Secretary of the Interior as the designated representative of the President for the stewardship of our national treasures, it takes away from the Secretary and the President any ability to control the functions of the Park Service at all and does so for a period of 5 years, which means as a matter of fact that there will be Presidents who will come into office who will not have the ability to designate their own persons to carry out the administration's policies as they relate to the national parks.

This is bad policy.

This takes away from the administration, any administration, their ability to set and to review policies as they relate to the functions of the national parks and to have persons in office who are accountable to the administration, whatever administration it may be.

The chairman complains about Presidential or administrative can't-see-ums running the National Park Service, don't-see-ums.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

No-see-ums.

Mr. RHODES. No-see-ums. I appreciate the gentleman correcting me.

What this legislation will do is replace, replace administration no-see-ums with congressional no-see-ums and all of a sudden the National Park Service system will be run not by persons who are accountable to the President of the United States but by the staff and the membership of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs. I submit to you that it is no more desirable in the situation which the chairman described as having existed in years past and I submit to you no longer exists.

Mr. Chairman, this bill does something else that is just plain bad policy. This bill does not authorize the National Park Service to bypass the administration.

It directs the National Park Service to bypass the administration.

Allow me to read for the benefit of my colleagues subsection (e) of section 2 of the bill as it currently exists:

(e) INDEPENDENCE IN PROVIDING INFORMATION.—Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Director shall provide any information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority.

In other words, the Director of the National Park Service is going to be accountable to each and every committee and subcommittee of this House and of this Congress. He will be directed, he is directed, to respond to any inquiry, any request for information, any request for reports, without any clearance, without any consultation, without any assistance from any other branch of the administration or any other portion of the executive branch. This agency may as well be taken out of the Department of the Interior if this legislation passes because it will not be controlled by the Department of the Interior and it will not be controlled by the President. It will not have to consult with the Justice Department as to the legality of its actions. It will not be able to consult with the Justice Department into the legality of any requests from Congress. It is forbidden to do so.

Again I would state to you, Mr. Chairman, this is bad legislation; it is bad public policy.

Mr. Chairman, I intend at the appropriate time after general debate to offer an amendment which does accept the one premise that is contained in the bill, that is good public policy and that is to put the Director of the National Park System on the same footing and the same level as the Director of the Bureau of Land Management and the Director of the Fish and Wildlife Service; to make them a Presidential appointee and subject to confirmation by the Senate. That I think is good public policy. The Director of the Park Service should be on the same footing as the Directors of the other two major nature and land operational agencies within the Department of the Interior.

I will offer that amendment. But the rest of this legislation establishes bad policy and should not be accepted by this House.

I would urge my colleagues to support my amendment at the appropriate time and, if the amendment passes, to support H.R. 1484, as amended. But if the amendment does not pass, I ask my colleagues to join me in opposing passage of H.R. 1484.

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

Mr. VENTO. Mr. Chairman, I yield 3 minutes to a distinguished member of the subcommittee, the gentleman from North Carolina [Mr. CLARKE].

Mr. CLARKE. Mr. Chairman, I rise in strong support of H.R. 1484 as amended by the Interior Committee. The purpose of H.R. 1484 is to strengthen the independence of the National Park Service so that its decisions will reflect the best professional judgments of its employees rather than short-term political considerations. In my view H.R. 1484 will accomplish this end and deserves your support.

The Organic Act which created the Park Service in 1916 states that the agency is to conserve the resources of the parks and provide for their enjoyment so that they will be "unimpaired for the enjoyment of future generations." These are difficult and sometimes contradictory goals and we have so far only been partially successful in accomplishing them.

Although it is not an easy task I believe it is possible to strike the right balance between park preservation and utilization, and to make the other policy decisions necessary to properly manage the resources of our parks. However, this is true only if those decisions are made by professionals based on the best scientific information available. We will not succeed in preserving the parks' resources for future generations if political influences from outside the Park Service are permitted to overrule the best professional judgments of its employees. Unfortunately the latter has all too often been the case for the past 20 years or so.

Numerous examples of politically motivated meddling in Park Service decisionmaking have been brought to the attention of the Subcommittee on National Parks and Public Lands. The results of detailed studies of park management problems have been distorted by Department of Interior officials because of apparent political pressures. Park Service employees have been disciplined by Department officials without the knowledge or consent of the Director of the Service. Attempts by the Park Service to address such problems as air pollution in the parks have been thwarted by administration officials. In each of these instances the ability of the Service to properly manage and protect the resources of the parks has been impaired.

By making the Park Service more independent H.R. 1484 will help to correct these problems. I urge your strong support for this legislation. We need it to make our parks the places they can and should be.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CLARKE. I yield to the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

I just want to point out it is not just one attorney, the House attorney, who of course is appointed on a bipartisan basis, but the Congressional Research Office both in 1988 and 1989 had the same opinion about the constitutionality. I must say in listening to my colleague, Mr. RHODES I think there may be some misunderstandings about the bill. While it does not require review by OMB or any other administrative agency to present information to Congress or to make statements, policy statements with regard to the parks, it does not void—in other words, the idea of leaving him in the Interior Department is that he can work with the others, Fish and Wildlife Service, BLM, and other agencies as well as the Department of Justice. So it obviously is the interference we are trying to avoid, not the collaboration in terms of using various services.

Mr. RHODES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 1484, as amended to require Presidential nomination and Senate confirmation of the Director of the National Park Service, who would serve a fixed term and be responsible for operations and management of the NPS. I share with my colleagues an appreciation of the important responsibility that falls to the Park Service—protecting natural and cultural resources for public enjoyment. Improving the management of the Park Service is a laudable goal: However, H.R. 1484 would not lead to improved management. This bill is an unworkable, radical revision of an effective management system that only further politicizes the National Park Service and complicates policy development. The removal of secretarial authority would cause confusion and duplication of effort among the Interior Department, the administration, and Congress. The constitutionality of the bill is questionable and the administration will veto the bill if presented to the President. H.R. 1484 would lead to further political involvement in and congressional micromanagement of the Park Service. For these reasons I oppose the proposed Park Service Review Board. While the current structure may not be perfect, I believe it has provided effectice and responsible management of the vast and valuable resources entrusted to the care of the National Park Service. I urge my colleagues to join me in opposition to the drastic changes proposed in H.R. 1484 and I urge my colleagues to support the amendment in the nature of a substitute which will be offered by my colleague the gentleman from Arizona [Mr. RHODES].

□ 1350

Mr. VENTO. Mr. Chairman, I yield 2½ minutes to another distinguished member of the subcommittee and a hard worker, the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate the distinguished chairman of the subcommittee yielding this time to me to make a statement here today.

First of all, I want to commend the gentleman from Minnesota for his leadership in bringing this bill to the floor. I think it is certainly important legislation, and needs to be considered once more by the House of Representatives, which as we all recall last year passed this legislation overwhelmingly.

Mr. Chairman, Henry David Thoreau once said "In wildness is the preservation of nature." Congress, realizing this, back in 1916 created a National Park Service, because Congress saw the need to preserve and protect what was great about this country, our national resources.

Since that time, Mr. Chairman, we have seen the growth and the evolution into the outstanding park system for the world. More than 350 crown jewels adorn this National Park Service as National Parks. As a member of the committee, I had an opportunity to visit a number of them, and as a representative from northwest Georgia, there are three different units of the National Park Service located in

my district: The Chattahoochee River National Recreation Area, the Chickamauga and Chattanooga National Military Park, and the Kennesaw Mountain National Battlefield Park.

Mr. Chairman, it is amazing how little contact the average citizen has with the Federal Government. The average citizen probably has less than pleasant dealings with the Internal Revenue Service, but with that exception, very few of our citizens have very much contact with the Federal Government except for the National Park Service. It is important to have a Park Service which is administered above politics, which is administered in such a way that professionals make the decisions that control it today.

I want to commend the chairman, the gentleman from Minnesota [Mr. VENTO], for bringing this much needed solution fix to a problem we have in our National Park System. If Gifford Pinchot, if John Muir, or even John Seiberling were the director of the National Park Service, in today's environment, he would have a very difficult time, because there is a lack of independence and too much interference—political interference—from above with the Director trying to do his job.

Let Members pass this bill so that our National Park Service Director can do his job. Let Members give him the tools so he can be independent and provide Americans a much more independent National Park Service. I urge my colleagues to vote strongly in favor of this legislation.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, July seems to be Park Service month. We stood here a year ago and passed a very similar bill by 248 to 130. Now again we are before the Congress with the same concept.

I have a district that contains parts of six national parks. One of the things that I look at with great pleasure is that Camp David seems to be in the middle of one of my parks, Catoctin Mountain National Park. I noted with interest the dissenting views on July 11, 1989, stated that while we understand the intent of the legislation to remove politics from within the National Park Service, we believe the antithesis could result from the enactment.

While the Presidential appointment of the Director and Senate confirmation of the Director, political involvement in the National Park Service would continue and most likely escalate.

I notice that our colleague from Arizona has an amendment in the nature of a substitute which will strike everything except the requirement for Senate confirmation of the National Park Service Director, and require the Director to have experience in natural and cultural resources, recreational management. I find it very interesting that on the 11th of July the dissenting view said we should have no confirmation, and here today we are looking at a substitute, but I think the only involvement that I would like to see was the discussions that go on in the National Park Service on the betterment of the Park Service, so it can serve all of the American constituents that we represent, whether they visit in my congressional district or your congressional district.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, at the first hearings, again I was a member of the subcommittee, a couple years ago in came a Director of the Park Service, Mr. Mott, and this other gentleman came in and sat down next to him, and every time we asked Mr. Mott a question, it seemed like he wanted to answer, and the other fellow kept grabbing, leaning over, and whispering in his ear. I asked who that was, and it turned out to be a Mr. Horne, a political operative, a political appointee.

I could not help but hark back to my undergraduate work in political science regarding the Soviet Union, and in the Soviet Union, there is the government and the government bureaucracy, but the party is always preeminent. There is a shadow government in the party. It seems that the Park Service and some other professional agencies of Government here in the United States are being subjected to that same abuse. Here is a gentleman with experience and integrity, Mr. Mott, Director of the Park Service, who has honest opinions about things, honest opinions that we were not treating the Park Service properly. There are problems out there, there are things that need to be dealt with, and he is being restrained if he wants to remain in that position and do something good for the Park Service, he has a political operative saying, "No, you can not say that or tell the truth about this."

The bill to which we hear so much opposition does something simple: It assures the professionalism of the Park Service so that Congress will get honest, professional opinions, and management of that Service. Is this interfering, to ask the Senate to confirm the appointment of the Director of the Park Service, the person who is going to preside over the 355 areas that we, the people of the United States, have set aside for all time, as areas too precious to be despoiled? I think not. It is proper oversight on the part of the Congress, and it is good policy that we should make these changes to free up the Park Service from the most egregious abuses of the political system, so that they can begin again to professionally manage and advise Congress honestly on the needs of this system.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise in strong support of H.R. 1484—a bill to reorganize and depoliticize the National Park Service. What's wrong with the National Park Service? Is legislation needed to right this wrong?

First of all, what's wrong with the National Park Service has nothing whatsoever to do with the thousands of dedicated employees—from rangers to managers—who are the lifeblood of this Nation's National Park System. What is wrong is that for far too long, these Park Service employees have been asked everyday to do more with less and to do it with the constant knowledge that Washington political appointees are watching how they do it.

In the beginning, I thought the problems facing the National Park Service were the product of a single administration in a shortsighted era. I thought changing the top of that administration would solve the problems of political interference in park administration. I was wrong. Even under an administration which has declared itself to be "environmentalist," politics as usual appears to prevail over long-term public policy. The problems we face are institutional and require a legislative "fix."

The most recent example of park politics interfering with park policy occurred at the national park I represent—Yosemite. The Department of the Interior—with no apparent consultation with the National Park Service Director—proposed to convert the Superintendent's position at Yosemite from Career Civil Service to Senior Executive Service. Taking away civil service protection from the Superintendent at Yosemite—or any other national park—means that the hands on manager of this premier park may be removed from office or transferred without a great deal of difficulty and most importantly, the day-to-day decisions at the park will be enormously subject to influence by Department of the Interior appointees. Fortunately, this proposal has been withdrawn but only after protest from career park service managers and Members of Congress. This is just one example the politicization of our national parks and my colleague from Minnesota has given you many many more.

I urge my colleagues to support H.R. 1484. Better institutions will produce better policies. Vote yes on H.R. 1484 for the Yosemites, the Yellowstones, and all the other units of our National Park System.

□ 1400

Mr. Chairman, the purpose of this bill is very simple and straightforward. We intend to the greatest degree possible to take politics out of the Park Service. We want park decisions to be made by career professionals. We believe that park personnel should not be harassed when they exercise their professional judgment, even when that judgment conflicts with the administration's political goals. We think that Congress should get realistic budget requests reflecting what is really happening in the parks, not what some people over at OMB think we ought to know about what is happening.

Mr. Chairman, let us give our career professionals a chance to perform the job that they are trained and paid to do. Let us pass the Vento bill.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER], a distinguished member of the Committee on Interior and Insular Affairs, and a subcommittee chairman.

Mr. KOSTMAYER. Mr. Chairman, first of all, I want to commend the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee, not only for his work on this important measure, but for the full scope and breadth of the work he has done on behalf of the people of the United States of America as chairman of this subcommittee along with his predecessor, the gentleman from Ohio, Mr. Seiberling. I think the name, "VENTO," will go down in the record as one of the great subcommittee chairmen in recognition of the work he has done for the people of this country.

Mr. Chairman, on July 13, 1989, the House Interior Oversight and Investigations Subcommittee which I chair, held a hearing that confirmed my suspicions regarding current policy decisions of the National Park Service; namely, that political appointees within the Department of the Interior have and continue to usurp the authority of National Park Service professionals in implementing laws designed to protect our national parks, national monuments, and national historic landmarks.

In the case my subcommittee investigated, Interior Department functionaries, over the clear and vigorous opposition of all Park Service officials involved, negotiated an easement with Killington, Ltd., owner of the Killington ski resort in Vermont, that would allow significant development along a currently remote section of the Appalachian Trail. The Department political appointees, despite several promises made repeatedly during 5 years of negotiations, went so far as to direct that this highly controversial easement be finalized without adequate environmental assessment work, without public hearing, and even without notifying the Vermont congressional delegation, interested citizens and conservation groups.

The slipshod and blatantly political way in which this decision was made led the Appalachian Trail Conference, along with several environmental groups, to file suit against the National Park Service—the first and only time the groups have filed suit in over 1,800 land acquisition cases involving the Appalachian Trail.

Mr. Chairman, the time has come for us to put an end to this destructive interference with the great treasures that we have entrusted to the professionals of the National Park Service. We must no longer allow untrained and unknowledgeable political appointees to undermine the protections that Congress has provided for the most naturally, culturally, and historically significant of our Nation's lands.

H.R. 1484 would protect against this interference by transferring authority for directing the Park Service from the Secretary of the Interior to the Director of the National Park Service. The bill also requires that the Director be a Park Service professional, that he or she be nominated by the President and confirmed by the Senate, that he or she serve for a fixed term of 5 years and that he may be removed only for cause.

Elements of the authorities contained in H.R. 1484 have been legislated for numerous other agencies. For instance, a fixed term of office applies to the Director of the FBI. Independent counsels and members of the Federal Energy Regulatory Commission, among others, can be removed by the President only for cause. The Federal Energy Regulatory Commission is an independent agency within the Department of Energy. Many agencies are exempt from OMB review of various functions, including the U.S. Trade Commission which submits its budget directly to Congress, as does the Federal Reserve System and Home Loan Bank Board. HHS reports to Congress can be reviewed by OMB, but OMB cannot revise or delay them, and OMB is not authorized to clear reports to Congress from the inspector general of the Department of Energy.

I urge all my colleagues to support this important bill and to oppose any amendments that would weaken its provisions.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. KOSTMAYER] for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from the Virgin Islands [Mr. DE LUGO], chairman of the Subcommittee on Insular and International Affairs and a member of my subcommittee as well.

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to say that I join in the remarks that were just made by the gentleman from Pennsylvania [Mr. KOSTMAYER]. I also believe that the gentleman from Minnesota [Mr. VENTO] is going to go down as one of the great subcommittee chairmen in this area.

Mr. Chairman, I rise today in support of H.R. 1484, a bill to reform the National Park Service. I believe this bill is a very valuable measure that will enable us to protect our national parklands long into the future.

I want to commend the gentleman from Minnesota, one of the hardest working and most knowledgeable subcommittee chairmen that we have in the House, for putting together this bill.

Clearly, decisions affecting our parklands are never easy and require the most professional and objective judgements. This bill would create a better management environment where this would be possible, particularly through the requirement that the Director of the National Park Service be appointed by the President and confirmed by the Senate to serve a term of 5 years.

Furthermore, by requiring all Park Service employees to report exclusively to the Park Service Director, it would ensure that our most professionally qualified employees will be making the important and complex decisions affecting our public lands.

Most of all, this bill would provide for a better system of accountability for such decisions. It will be possible to precisely determine who made what decision and why. It will make the matter of oversight infinitely easier.

Mr. Chairman, over the years, the Department of the Interior for the most part has done a good job in protecting and preserving the public lands and parks of this country. H.R. 1484 in my view will enable the Department to do an even better job by enhancing the role of professionals who have the ability to best manage our parks.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. LEWIS], an able member of the subcommittee and of the full committee.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my subcommittee chairman very much for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 1484, the National Park Service Reform Act, and to commend the subcommittee chairman for his efforts to improve the organization and administration of the National Park Service.

From my service on the subcommittee, I know the importance of the National Park Service in terms of conservation, recreation, and historic preservation.

It is clear from the record compiled by the subcommittee that we must strengthen and improve the National

Park Service. This legislation will provide the important changes necessary to address the well-known problems verified in the hearing record.

The chairman's legislation is both appropriate and moderate. I urge my colleagues from all parts of the country to join me in supporting this legislation.

Mr. VENTO. Mr. Chairman, I yield all my remaining time to the gentleman from California [Mr. LEVINE].

The CHAIRMAN. The gentleman from California [Mr. LEVINE] is recognized for one-half minute.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me, and I thank the Chair for spelling out the extent of the remaining time available.

Mr. Chairman, I just wish to compliment the chairman of the subcommittee as well for his superb work in crafting a very important piece of legislation and adding my support to this bill.

This is a service which is responsible for a legacy that will be preserved not only for our generation but for further generations. The independence that the chairman of the subcommittee has outlined for it in the context of this legislation will help it to perform its functions with the independence and ability it needs so we will be able to protect the legacy of these parks for further generations.

Again, Mr. Chairman, I want to commend my subcommittee chairman and the members of the subcommittee and urge support of the legislation.

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

Mr. Chairman, I just want to make a couple of observations. The gentleman from Pennsylvania [Mr. KOSTMAYER] suggested in his remarks that what we really ought to do and we ought to be considering is making the Park Service an independent agency. I think that is worthy of consideration. I do not think what we are doing here is worthy of consideration.

We are taking the Park Service and making it into something that cannot be defined. It is of the administration, but it is not of the administration, it is in the Department, but it is not in the Department, it answers to the Secretary but it does not answer to the Secretary.

Mr. Chairman, I would like to remind my colleagues of the existence of something they probably wish did not exist, and that is the Navajo-Hopi Relocation Commission. Regardless of our views of the merits of the Navajo-Hopi relocation dispute, I want the Members to think about that commission, because it is out there all by itself, appointed by the President, not answerable to the Secretary, it is of the Department but not of the Department, of the administration but not of the administration. And up until the last year or so it has been a mess. Nobody has watched it. They have an annual appropriation hearing. They get annually beaten over the head by the Appropriations Committee. They annually get their money appropriated and they go about their business annually again. We are creating the same kind of situation here.

□ 1410

Mr. Chairman, the no-see-'ems who are going to run the National Park Service are going to be here in this Congress. Nobody says that the situation with a politicized Park Service is good, but we are not solving the problem with this legislation, and I do want to reemphasize once more, Mr. Chairman and the gentleman from Minnesota [Mr. VENTO], and incidentally I want to say to him what an honor it has been to be here in your day of deification.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. One moment, and I will, Mr. Chairman.

The magnitude of what the gentleman from Minnesota [Mr. VENTO] is doing to this service and its relationship with my administration is contained in the very last section, and I am sorry, I say to the gentleman from Minnesota [Mr. VENTO], "I disagree with you."

Mr. Chairman, this is not a benign section. This does not give the service the option, if my colleagues will, of clearing its communication with the Congress with OMB, with the Department of Justice and with the administration. It specifically says it shall not do it regardless of any other provision of law, rule, regulation, or policy directive. The Director shall provide any information by report, testimony, or otherwise without review. The Director of the Service is to respond to any committee or subcommittee of this Congress, any committee or subcommittee directly, without discussing what he is going to say to that committee or subcommittee at all with any representative of the administration.

Now, very candidly, I do not think by this legislation, I say to the gentleman from Minnesota [Mr. VENTO], "You are depoliticizing the Park Service. I just think you're putting it under the control of a different set of political operatives, and I don't think that your bill accomplishes what you want it to do. I think it does establish bad policy."

Mr. Chairman, I hate, very frankly, when we stand over here and wield the only influence that we have, which is the veto, but it will be vetoed.

I just would urge our colleagues to rethink their position on this and to reject the principles contained in H.R. 1484.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. Mr. Chairman, if the gentleman from Minnesota is out of time, I would be happy to yield some of mine to him.

Mr. VENTO. Mr. Chairman, I am out of time. Obviously we have a lot of requests today, and I appreciate the comments of the Members. I am not a candidate for the purpose the gentleman alludes, at least not at this point. But, if the gentleman from Arizona [Mr. RHODES] will continue to yield I would say that it is curious to me that the gentleman is for the independence of it, but that this does not create independence. I have some. We had explored that, as I said, and there are many groups that would like to see total independence, but I would point out that there is a working model within many of our departments that have semi-independent or great autonomy within the departments, nonetheless, for instance, the IRS, or the FBI or various other agencies, the Federal Trade Commission, the Food and Drug Administration, and all of them have, if the gentleman from Arizona [Mr. RHODES] will continue to yield, and I will just conclude my statement, have a degree of autonomy within them that is necessitated by the work they do, and what we are seeking is a status, not, obviously, absolute symmetry with them, but offering the same sort of control, and the same sort of independence and autonomy.

And I fail to see and it is certainly not the intent that there be greater legislative involvement right now as we are eliminating one type of the no-see-'ems in terms of the assistant secretaries and many others that have interfered blatantly with the Park Service operation and its policies, even its implementation of the law. We do not seek to inject further legislative action. I think it is ironic. There certainly is no measure before us that gives us as legislators more ability to do that any more than we have right now.

Mr. Chairman, I might say that improperly sometimes there is legislative involvement with agencies and departments of our Government and some interference through the Appropriations Act and various riders that occur from time to time, and that is of concern to me, and I would be pleased to work with the gentleman from Arizona [Mr. RHODES] on the solution, but it certainly is not the intent. The gentleman is certainly entitled to his opinion.

Mr. RHODES. Mr. Chairman, reclaiming my time, let me point out to the gentleman from Minnesota [Mr. VENTO] that of those agencies he mentioned the Federal Trade Commission is in fact an independent office. The Internal Revenue Service and the FBI

certainly do exist within the Department of the Treasury and the Department of Justice, and they do not have the freedom, nor the directive from Congress to come to Congress without going through their respective Secretaries and the heads of their agencies.

Mr. UDALL. Mr. Chairman, the bill now before us, H.R. 1484, is similar to legislation that passed the House last year. I appreciate the fact that my friend from Minnesota, subcommittee Chairman VENTO, has made a number of changes to meet concerns that I had expressed last year.

The national parks of America are among the most precious things we as a nation possess. The parks system has been called by many a uniquely American idea and indeed it is. How unfortunate it is that the process of operating and directing the parks has become politicized to the point of hampering the effective running of the park system. The decisions of resource managers are often overtaken by political decisionmaking. H.R. 1484 is an attempt to return the running of the park system to those experienced in resource management and sensitive to the concept and ideal of our national parks. There is no question that such changes are necessary if the park system is to survive for the enjoyment of future generations.

H.R. 1484 is not a perfect solution to the problem, I have some misgivings whether Presidential appointment and Senate confirmation will make the process less political—but it will grant the Director of the Parks equal footing with the Director of the Fish and Wildlife and the Director of the BLM and the Bureau of Reclamation. The bill sets a fixed term of 5 years and gives the Director direct control over all policies, functions and employees, save budget, and cabinet policy matters. The bill would expand professional qualification requirements of top employees and have NPS answer directly to the Congress. These provisions may allow the Director the autonomy necessary to effectively protect our national parks.

Mr. Chairman, these are positive steps toward our goal of a more independent and less political Park Service. I commend Mr. VENTO for the hard work he has put into this legislation in an effort to forge a workable solution and I urge my colleagues to support it.

Mr. GREEN. Mr. Chairman, I rise today to explain my opposition to H.R. 1484.

I do not disagree with the bill's desire to protect this Nation's park system. Without a doubt, our environment is our most treasured resource.

But one does not improve management of our national parks by destroying accountability for the quality of their management. H.R. 1484 would reorganize the National Park Service by creating an independent board that would transfer all current functions and authorities relating to the park system from the Secretary of the Interior to the director of the board, who would not be subject to removal by the President except in situations of gross incompetence. Decentralizing management authority from a Cabinet officer is not only poor management, it has the potential of creating more delays in important environmental decisions. It makes it impossible for the American people to hold an administration accountable for what happens in our national parks.

That is unacceptable. Isolating the administration from the actions of the Park Service is not the proper way to deal with the problems of our national parks. A better way must be found.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to H.R. 1484. As the ranking member of the Subcommittee on National Parks and Public Lands, I have and will continue to support legislative efforts aimed at improving the National Park Service. However, in spite of the good intentions of the subcommittee chairman, Mr. VENTO, I am rising to oppose H.R. 1484 as I do not feel this bill meets the goal of improving the National Park Service, nor is it in the best interests of the Park Service.

This legislation, in my opinion and that of other Members on both sides of the aisle, goes much too far. It proposes a radical revision in the current management scheme of the Park Service and would, I believe, set a dangerous precedent for other agencies, such as the Forest Service within the Department of Agriculture, or NOAA within the Department of Commerce.

H.R. 1484 would eliminate virtually all secretarial authority over the Park Service. This would be completely unworkable, as well as unsound management. It is imperative that a Cabinet officer have authority over operating programs within the bureaus under his or her department in order to manage effectively. The current hierarchy of management establishes a system of checks and balances which insures accountability. Equally important, the Park Service feels that the secretarial void created by this proposal would be a political and managerial liability. Yet, this is the management scheme which H.R. 1484 would implement. I fail to see how it could be characterized as beneficial for the Park Service.

Another important point is that the Department of Justice has determined the bill to be unconstitutional due to violation of the separation of powers and infringement on the executive authority of the President. These are serious issues which need to be addressed prior to further action on this bill.

It is also important to note that the Department of the Interior and Park Service, who are responsible for the management of the Park Service, strongly oppose H.R. 1484. They do not believe, for good reasons, that management of this nature would work properly and effectively.

Finally, I do not believe this bill is necessary. It proposes a major revision to correct what appear to be only minor problems. In addition, it creates the potential for micromanagment of the Park Service by Congress which I believe would be detrimental and would establish a dangerous precedent. I feel the present management system for the Park Service represents sound and effective policy. It provides for coordination with other agencies within the Department and the Federal Government, and with the administration. It also provides Congress and the public with ample opportunities to review and revise Park Service programs and budgets.

In closing, Mr. Chairman, while improvement of the management of the National Park Service is a laudable goal, I believe it could be accomplished through other more responsible and effective means. One such method which I will support when it is offered as a substitute today by the gentleman from Arizona is to require Presidential appointment and Senate confirmation of the Director. However, short of that, I feel the current management system works very well. Therefore, I must oppose H.R. 1484 which proposes major structural reconstruction for what appear to be relatively minor cracks in the system.

Mr. Chairman, I urge my colleagues to vote against H.R. 1484 and support the Rhodes-Craig substitute as the responsible alternative.

Mr. Chairman, I would point out also that the administration has signaled that there will be a veto on this legislation if it is passed in its present form.

Mr. RHODES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered under the 5-minute rule by sections, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. NATIONAL PARK SYSTEM REVIEW BOARD.

(a) ESTABLISHMENT AND FUNCTIONS.—There is hereby established a National Park System Review Board (hereinafter in this Act referred to as the "Board"). The Board shall maintain a continuing review of programs and activities of the National Park Service and of existing and proposed National Park System units. The Board shall transmit to the President and to each House of the Congress an annual report containing the results of its review, together with any recommendations for the management of the National Park System or any proposed additions to such system, as it considers appropriate. Concurrently with the submission of the annual budget of the United States by the President, the Board shall submit to the President and to the Congress budget recommendations for the National Park Service and for the Board. Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Board shall transmit such annual report and budget recommendations, and provide any other information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority except to the extent that the Board may deem such review, clearance, or approval appropriate.

(b) MEMBERSHIP AND TERMS OF OFFICE.—The President shall appoint members of the Board from among persons who, because of education or experience, are considered knowledgeable regarding policy issues affecting the natural or cultural resources of the Nation. The Board shall consist of three members serving for terms of four years, except that the terms of the members first taking office shall expire (as designated by the President at the time of appointment) as follows: One member after one year, one member after three years, and one member after five years. Members of the Board may be removed by the President only for inefficiency, neglect of duty, or malfeasance in

office. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) ADMINISTRATIVE PROVISIONS.—The Board shall elect a Chairman from among its members. A majority of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall have an official seal, which shall be judicially noticed. The Board shall meet at the call of the Chairman. Any member of the Board may, with the authorization of the Chairman, conduct public meetings. There shall be at least six meetings of the Board each year. In carrying out its functions, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may, subject to the amounts provided in an appropriation act, contract for any necessary services.

(d) PUBLIC MEETINGS; PUBLIC COMMENT.—All meetings of the Board shall be open to the public and the Board shall solicit, and review, public comments on all recommendations to be made by the Board.

(c) COMPENSATION.—Members of the Board shall each be paid annual compensation at a rate not to exceed the highest rate of basic pay payable for level V of the Executive Schedule. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(f) STAFF, EXPERTS AND CONSULTANTS.—The Board may appoint and fix the pay of such personnel as it considers appropriate, including at least a chief of staff, a secretary to the Board, a legal counsel, five investigators, and ten support staff. The staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Board may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but as rates for individuals not to exceed basic pay payable for GS 13 of the General Schedule. Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this Act.

(g) OBTAINING DATA.—Notwithstanding sections 552 through 552b of title 5 of the United States Code, the Board may secure directly from the National Park Service information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, the Director of the National Park Service shall furnish such information to the Board.

(h) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request. The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

The CHAIRMAN. The clerk will now designate section 2.

The text of section 2 is as follows:

NATIONAL PARK SERVICE.

(a) DIRECTOR OF NATIONAL PARK SERVICE.—There shall be within the Department of the Interior, a National Park Service headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate; from among persons qualified, by training and experience and by demonstrated ability, to administer, protect, and preserve the natural and cultural resources of the United States. The Director shall be paid at the rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5316 of title 5 of the United States Code. The Director shall hold office for a term of five years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(b) FUNCTIONS.—On the effective date of this Act, all functions and authorities of the Secretary which are carried out through the National Park Service as of July 1, 1988, shall be transferred to and vested in the Director of the National Park Service appointed under this Act, except that the Secretary shall retain the authority and responsibility for the budget of the National Park Service and for conveying information regarding the National Park System to and from the Cabinet. In the performance of his functions, the Director and the officers and employees of the National Park Service shall not be responsible to, or subject to the supervision or direction of, any officer or employee, or agent of any other part of the Department of the Interior.

(c) EMPLOYEES.—The Director shall appoint and fix the compensation of all officers and employees of the National Park Service. The Director shall appoint the following: three Deputy Directors from among the professional employees of the National Park Service; a Deputy Director of the National Park Service; a Deputy Director of Historic Preservation and Cultural Resources; and a Deputy Director for Recreation, Conservation, and Open Space. Salaries, grades, and benefits of employees so transferred shall not be affected adversely thereby, except that no employee of the National Park Service shall be appointed from or under schedules excepted from the competitive service. No person whose position has been excepted from the competitive service, other than the Director or an individual holding a Senior Executive Service position, may conduct, or participate in the conduct of, any performance appraisal under chapter 43 of title 5 of the United States Code for any officer or employee of the National Park Service.

(d) TRANSFERS.—Upon appointment of the Director of the National Park Service under this Act, the Director of the Office of Management and Budget shall provide for the transfer to the administrative jurisdiction of such Director such of the personnel, property, funds, and records of the service created by the first section of the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1), as are under the administrative jurisdiction of the Department of the Interior.

(e) INDEPENDENCE IN PROVIDING INFORMATION.—Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Director shall provide any information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment to section 1.

The Clerk read as follows:

Committee amendment: Page 2, line 3, strike all of section 1 through page 5, line 25, and renumber section 2 as section 1.

Mr. VENTO. Mr. Chairman, I do not believe that this amendment is controversial. It is one of the key issues that engendered considerable opposition to this bill in committee and on the floor last Congress was the establishment of the review board to look over the shoulder of the Director of the NPS and tell the public and the Congress what it found. Some confusion was generated as to the role of the existing National Park Advisory Board in relationship to the proposed review board. The existing Advisory Board, does not have broad legislated authority to review the activities of the Park Service or the Park System in a manner that is particularly helpful to the public or to the Congress. The Advisory Board is advisory only to the Secretary and has no reporting responsibilities to Congress. Because of this we in the Congress have gained little from them, conversely the proposed review board would have reported to the Congress annually and would have provided a much needed information source regarding the needs for congressional action in support of the park system. However, in an attempt to develop a compromise with the opponents of H.R. 1484 I recommended that the committee delete the provisions related to the National Park Review Board. The Committee accepted that amendment and section 1 of the bill as introduced was deleted—which Form I now seek to continue as the full House consideration moves forward on H.R. 1484.

Mr. RHODES. Mr. Chairman, procedurally the gentleman from Minnesota [Mr. VENTO] is correct. The subcommittee adopted what is now printed in the bill as section 2 as a substitute, and procedurally it should be considered as the legislative vehicle before us now.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RHODES

Mr. RHODES. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. RHODES: Strike all after the enacting clause and insert in lieu thereof:

"That there shall be within the Department of the Interior, a National Park Service headed by a Director, who shall be appointed by the President, by and with the

advice and consent of the Senate. The Director shall have a broad background and substantial experience and knowledge in the management of natural and cultural resources and recreation."

Mr. RHODES. Mr. Chairman, I will be brief because we have gone over the substance of my position in connection with the bill itself.

The intent of the amendment is to retain the proposition that the Director of the Park Service should enjoy the same status as the Director of the Bureau of Land Management and the Director of the Fish and Wildlife Service, which is a Presidential appointment with Senate confirmation, and it is the intent of the amendment to retain that portion of the legislation which does make that designation a Presidential designation and does require Senate confirmation but does not change anything else in terms of the way that the Director of the Park Service reports. He would still be answerable to the Secretary. He would still be a portion of the administration, and his performance would be evaluated as such.

It simply changes the method by which the Director is designated and does recognize the stature of the National Park Service as it relates to the other two agencies within the Department and the stature of the Director of the Park Service, which I believe is appropriate for us to do at this time.

Mr. Chairman, I would urge the adoption of my amendment in the nature of a substitute to H.R. 1484.

Mr. VENTO. Mr. Chairman, I rise, of course, in opposition to the amendment. In doing so I do not want to disparage the Presidential appointment and the confirmation by the Senate of the Park Service Director. I think that that is a good step, and I think it is a positive response that the gentleman from Idaho [Mr. CRAIG] and the gentleman from Arizona [Mr. RHODES] and other Members have made with regard to this.

□ 1420

I just simply feel that it does not go far enough. It gives obviously the Senate a new role, a special role in terms of looking at the credentials and the other qualifications they look at with regard to Presidential appointees in the Presidential process. it is a good thing to do. There is nothing wrong with it.

The problem is, though, that the issue goes deeper than this. I articulated earlier, I was not trying to say there is a perfect symmetry between the IRS or the FBI or some of the other agencies that have great autonomy within the Federal departments. There is not. Maybe it is more of a situation where we have like in the Federal Energy Regulatory Commission [FERC] or others where they have special responsibility, where they need autonomy, where they need independence, they need insulation from both the administration and from Congress. I do not seek to displace the administration to insert Congress into shaping park policy—outside the legislation process.

We do this because I think the system has matured, and is riddled with problems, because in the past 20 years there has been a constant improper involvement, pulling the rug out from under the Director of the National Park Service time and time again.

I think the issue here is to let the professional views and the professional judgments of the scientists and of the other Park Service professionals who are trying to do their jobs to preserve the parks and the cultural resources, to permit those decisions to go forward, whether it is an air quality issue or other matters, to bring that information to Congress. This amendment would not do it.

As I said, I think we tried to strike a balance in this bill in terms of not providing for complete autonomy, not to create another EPA, not to create something improper or unworkable, but to maintain the NPS within the Department where it could work on an equal footing with the BLM, the Fish and Wildlife Service, and some of the other people in the Department of the Interior.

This Rhodes amendment simply does not go far enough in terms of addressing the nature of the problem. It fails to realize what the problems have been and will continue to be in the future.

The Department of the Interior has permitted many times Assistant Secretaries who are now gone, who do not know, who have no direct line of responsibility, as I refer to them as the no-see-ums, who can fly through that fine mesh screen and nobody knows what is biting them and they do bite quite aggressively. Park policy today has the same problem. Nobody is responsible in too many situations. The ultimate accountability should be in the Director of the Park Service. Permit the Director to become the type of advocate that I think we need for the 354 units of the Park System.

We say in the designation of parks and of the natural resources, cultural resources, the myriad of resources that they make up, that these are our crown jewels. These are the finest resources that we have in our Nation that should be protected in perpetuity.

Unfortunately I think, Mr. Chairman, that too often these crown jewels of our natural and cultural resources are becoming the rhinestones because degradation is taking place.

Once a decision is made by someone which moves in the wrong direction, we lose the resources; we cannot recreate those resources. They are gone. They are gone for our lifetimes and for the lifetimes of our children and our grandchildren.

So I am very, very concerned that we do take the right step now. I certainly want to work with my colleagues on both sides of the aisle on this issue as we move forward.

I think the reported bill, H.R. 1484, is a good measure. We have tried to sharpen up the focus to where the specific problem is, to eliminate that which might be distracting in terms of a review board; but to further remove these provisions would cut out the heart of what is intended to be accomplished.

So Mr. Chairman, I must rise in strong opposition to the amendment of my colleagues, the gentleman from Arizona [Mr. RHODES] and strongly recommend that my colleagues oppose this and vote it down.

Mr. RICHARDSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is important to vote yes on H.R. 1484 to protect our national parks.

Here are the reasons:

With politics and special interests put first, park protection and professional workers have suffered.

Nonprofessional, political appointees review all national park superintendents and seek noncareer appointments. This is unhealthy.

Nonprofessional, political appointees direct and limit testimony and information sought by the U.S. Congress. This is of great concern.

Park professionals have been harassed for study conclusions and actions to protect our national parks. This is intolerable.

H.R. 1484 will let the Director direct the Park Service instead of some low-level, political hack.

House counsel says: Justice Department challenge to constitutionally of H.R. 1484 is without merit.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman for his statement. I think it is a very thoughtful statement.

You know, we are hearing today a lot about the problems with the revolving door in terms of special interests gaining access. Of course, we have real problems in terms of our resource management agencies and the myriad of resources that they are managing; but one of the fundamental points if you are going to have a revolving door, it does not do any good if you have a revolving door where people who go out and work in the private sector are barred from that, but there has to be someone inside the Department to play catch with them, someone to take the missiles and the directives that

they are sending from special interests.

What we are doing here is we are eliminating some of those people who are playing catch on the inside. They find new routes. They find new ways and places to do it. It is surprising to me that the Park Service for 50 years operated pretty objectively, but today there are efforts to put in place in fact in the agency people who are purely political appointees.

You know, like all of us, when President Bush is elected or any President is elected, I think they have the right to have a certain number of people appointed in the Department of the Interior and other places, but they do not have the right to unilaterally change the way our parks are managed, to override Civil Service decisions. We have the right to have the information come out and to try to build some insulation. That is what the bill is trying to do. Obviously, that is objectionable to some. I do not know that there is any perfect answer to it, but we can surely improve by what is intended here.

So I thank the gentleman for his support. He is a strong and able member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise in strong opposition to the amendment offered by the gentleman from Arizona. I believe that the amendment essentially would perform a cosmetic change. The structure as it exists today essentially would remain intact. It would certainly preserve the power of political appointees. The Assistant Secretaries and others could continue to undercut the policy of the Director of the National Park Service. The gentleman's amendment would transfer power and responsibility to the Director of the National Park Service, giving him the charge of directly having control and responsibility for the management and direction of our national parks.

□ 1430

He essentially would be a continuation of the atrophied management where everyone is in charge and where no one is in charge.

I would again state my strong opposition to the gentleman's amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to use this time to point out to the members of the committee and the House that I do not have a personal quarrel with any of the National Park Service Directors, and I did not use this as a means in the 100th Congress to criticize Director Mott, nor do I in this Congress seek to malign Director Ridenour who is, of course, the new Director of the National Park Service from the State of Indiana where the gentleman hails from.

We hope to work with him positively, but we would like to have him in charge, to be accountable, to be responsible, that in fact not someone else making decisions for the NPS; that the Director actually making decisions and that he will stand up and can defend the Park System, and that is really what is at issue here. It is not a personality. It is not a political-party issue. It is an issue of sound administrative structure, and this amendment obviously would cut out the heart of what is being offered in the measure H.R. 1481.

While it is all right to confirm by the Senate, it is inadequate in terms of the totality of need with regard to the National Park Service.

Mr. Chairman, I thank the gentleman from Indiana for his support, another able member of the subcommittee, and a very thoughtful statement.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's remarks.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the amendment offered by my colleague from Arizona, Mr. RHODES. I believe that this substitute is a much more rational and effective approach toward improving the management of the National Park Service.

We are all cognizant of the fact that the National Park System has grown tremendously since its establishment in 1916. We now have over 340 units within the System which are extremely diverse in nature. As the Parks System has increased in size, so has the responsibility and the complexity in managing these areas. The Director of the National Park System is now faced with a myriad of difficult decisions, ranging from administration to use conflicts within the parks.

The Rhodes-Craig amendment would recognize and accommodate this increasing responsibility by elevating the position of the Director through the requirement of Presidential appointment and Senate confirmation. This revision would conform the appointment of the Park Service Director with that of the Directors of the Bureau of Land Management and the Fish and Wildlife Service within the Department of the Interior. In addition, the amendment requires the Director to have a background of experience and knowledge in the management of natural and cultural resources and recreation. These requirements will insure that all future Directors possess the qualifications needed to properly manage the outstanding resources within our National Park System.

These changes are certainly appropriate and a more preferable means than H.R. 1484 to accomplish the objective of improving the management of the National Park Service. Therefore, I urge my colleagues to approve the Rhodes-Craig amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. RHODES].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RHODES. Mr. Chairman, I demand a recorded vote.

Mr. VENTO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PICKETT] having assumed the chair, Mr. DICKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1484) to establish to National Park System Review Board, and for other purposes, has come to no resolution thereon.

BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEARS 1990, 1991, 1992, AND 1993

The SPEAKER pro tempore (Mr. PICKETT). Pursuant to House Resolution 200 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 828.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 828) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, with Mr. DICKS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 828, as reported by the Committee on Interior and Insular Affairs.

This is an important bill that affects the management of some 270 million acres of land in 28 States from Florida to Alaska, as well as the mineral interests in several hundred million acres of other lands.

The bill has two parts. The first section would authorize appropriations for the Bureau of Land Management, or BLM, which is the Agency within the Department of the Interior responsible for the management of these public lands and minerals.

Technically the BLM has been operating without such authorization since the end of fiscal 1982. The Federal Land Policy and Management Act of 1976 says that every 4 years the administration is to request a reauthorization for BLM. The last such request was submitted in 1980, but was not acted upon by the Congress, and for 8 years the Reagan administration ignored the requirement for such a request.

Earlier this year, I introduced H.R. 828 to respond to this situation by authorizing the appropriation of such sums as may be necessary for BLM for fiscal 1990, 1991, 1992, and 1993.

However, many of us believe that we need to do more than just reauthorize appropriations, because we believe BLM is an agency with some real problems that need urgent attention. The second part of the bill addresses some of those problems.

Historically, the public lands administered by BLM were viewed as "unwanted" lands, warranting little management attention. In keeping with this view, intensive livestock grazing on these lands was not regulated until enactment of the Taylor Grazing Act in 1934, and even then, the operating Federal philosophy was to assume a custodial role over these lands pending their ultimate disposal to other parties, like the more than 1 billion acres that the United States has transferred to the States and to private parties over the years. As a consequence, the public lands that had already been badly damaged by decades of overgrazing and unregulated mining activity continued to deteriorate even after they were required to be managed.

Congress completely revised basic policy by enacting the landmark Federal Land Policy and Management Act of 1976 [FLPMA]. FLPMA established the policy that public lands were to be retained in Federal ownership and that their deteriorated condition should be improved. Further, FLPMA directed that BLM lands be managed under the principles of multiple use and sustained yield.

The multiple-use principle requires BLM to manage the public lands in balanced fashion for the benefit of all users. In other words, fish and wildlife, recreation, ecological preservation, watershed, historical and other values—as well as the concerns of ranchers, miners, and lumbermen—are to be given consideration as BLM works out a combination of uses that best meets present and future needs.

The sustained-yield principle requires BLM to have a longterm perspective in its management actions to ensure that the land's productive capacity is maintained in perpetuity. Under the act, the public land is not to be abused or have its productivity permanently impaired in order to maximize commercial output or economic return.

Mr. Chairman, FLPMA is a very good law, embodying very sound principles of land management. But for a number of years BLM has fallen short of the mark in terms of implementation envisioned in FLPMA.

The cause of most of BLM's shortcomings has been a lack of resources. The last administration never requested realistic financing for BLM, and though Congress always provided more than the administration sought, BLM still has not had the money and the people they need to do their important job the way it should be done.

As an authorizing committee, the Interior Committee of course has not been able to directly remedy BLM's budgetary problems, although we have repeatedly brought them to the attention of the House. We greatly appreciate the willingness of the Appropriations Committee and the House as a Whole to provide more resources for BLM than the inadequate amounts requested by the last administration.

In addition, however, some of BLM's problems stem from failures of leadership and from distortions in policy that can be addressed through legislation.

These problems have been documented in many ways, including a number of studies by the General Accounting Office. I could quote at length from GAO's findings, but perhaps they can be best summarized by reading some of the testimony we received from GAO at the hearing on H.R. 828, the bill now before us, held by the Subcommittee on National Parks and Public Lands.

At that hearing, GAO told us that "our work has shown that BLM has not adequately balanced the competing demands on the natural resources that it is mandated to foster, protect, and preserve. BLM has often placed the needs of commercial interests such as livestock permittees and mine operators ahead of other users as well as the long-term health of the resources. As a result, some permittees have come to view the use of these lands as a property right for private benefit rather than a conditional privilege conferred by the public at large. Unbalanced management has been a recurring theme in our reports on rangeland management and hardrock mining as well as our ongoing reviews in these and other areas."

And the GAO witness summed things up by saying "For substantive progress to be made, we believe there will have to be a fundamental change in the approach of the Agency responsible for conducting day-to-day management of the public lands. For this to occur, BLM will have to abandon its historical identification with the interests of livestock permittees and other commercial interests. In its stead, BLM and Interior management will have to demonstrate the institutional will to effectively implement the principles of multiple-use and sustained-yield as mandated by FLPMA. Business-as-usual simply will not do if the Congress' expectations as set forth in FLPMA are to be realized."

Mr. Chairman, because I agree with that conclusion of the GAO, I urged our subcommittee and the full Interior Committee to take advantage of the opportunity presented by this reauthorization bill to make some revisions in existing law to begin the process of ending "business as usual" in the BLM.

After a very productive process of discussion and debate, the Interior Committee has now reported the bill with the addition of a new title II, that includes a series of amendments to the Federal Land Policy and Management Act of 1976, BLM's "organic act."

The provisions of title II of the bill before the House have several principal goals: To strengthen BLM's professionalism; to further true, balanced multiple-use management of public lands; to improve BLM's planning processes; to strengthen enforcement of BLM regulations; to broaden public involvement in BLM's activities and programs; to address concerns about military use of public lands; to revitalize the periodic-reauthorization process established by FLPMA; and to encourage "truth in budgeting" by prohibiting the use for other purposes of funds appropriated to BLM for purposes of land acquisition, pursuant to the Land and Water Conservation Fund Act or similar authority.

I have described these FLPMA revisions as "fine tuning" because I believe that they do not significantly—if at all—break new ground. I believe that FLPMA represents a sound and wise statute which provides BLM with ample authority to properly manage the public lands under a multiple-use and sustained yield mandate, and, as I said, that most of BLM's recent shortcomings have resulted from inadequate funding, insufficient personnel, and skewed policies and priorities. But I believe that the fairly modest revisions to FLPMA contained in this bill will be a useful part of an overall effort to improve BLM's ability to properly discharge its important responsibilities.

Before outlining in more detail the FLPMA revisions contained in the bill, let me mention what the bill does not do regarding grazing on public lands. There are now in existence a number of local grazing advisory boards, established by action of the Secretary of the Interior after the statutory basis for such boards expired at the end of 1985. These boards consist entirely of grazing permittees. However, a propos-

al to abolish these boards and to transfer their functions to the multiple-use advisory councils provided for by FLPMA was dropped at an early stage of the committee's consideration of H.R. 828, and the reported bill would not affect the existing grazing advisory boards.

Similarly, the bill does not address either the fee now charged for grazing on public rangelands, or the problems the BLM has had in enforcing the rules against what is called subleasing of grazing areas by ranchers holding BLM grazing permits.

Grazing fees are now set by an executive order issued in February 1986. The bill would not change that. "Subleasing" refers to the practice of a grazing permittee allowing another person to make use of the forage for which the Government is charging a fee set by that executive order. We have had testimony in a number of hearings that in some cases the permittee in return is paid at a much higher rate than the established fee. Obviously, in such cases it is the taxpayer—whose forage is being consumed—who is losing out on the difference. Mr. Jamison, the new BLM Director, has reaffirmed his intention to stop such illegal subleasing.

H.R. 828 as reported by our committee does not address subleasing, but every grazing permittee and everyone in the BLM should take note of the seriousness with which many of us view this practice, and should understand that is not something we will tolerate.

Now, let me briefly outline the ways the bill would revise existing law. First, to bolster the professional status of BLM's top management, the bill would require that henceforth the Deputy Director, Assistant Directors, and State directors be nonpolitical, career appointees. The status of the Director, a Presidential appointee subject to the advice and consent of the Senate, would not be changed.

To reinforce FLPMA's emphasis on environmental concerns, the bill would expand the definition of the "areas of critical environmental concern" which are to receive priority in management. The result is to make explicit what I believe is the proper reading of current law—that is, that ACEC's should include areas with special environmental, ecological, and scientific resources and values as well as the resources and values already identified in FLPMA, and that the Secretary, in considering possible designation of such areas, should take into account not only the specific resources and values of particular portions of the public lands, but also the way that use of those public lands might affect the resources and values of other areas, such as national parks or other conservation systems units.

I do not consider these proposed changes in ACEC definitions to be a major departure from existing law, and the language of this part of the bill was revised during the committee's debates so as to make that even more clear. In my opinion FLPMA already permits BLM to act to further the purposes spelled out in the amendment, just as BLM already can and should consider the possible effects of its management decisions on other areas—such as national parks—even though they have not always done so to the extent many of us think proper. The bill would not mandate the designation of any particular lands as ACEC's, or even the designation of any particular type of ACEC's, and it would not either establish or provide for the establishment of any "buffers" or anything similar. The designation of ACEC's would continue to be made by the Secretary on a case-by-case basis.

The bill would broaden public involvement by strengthening the multiple-use advisory councils provided for in FLPMA. It does not address the status of any other bodies, such as the grazing advisory boards.

With regard to BLM's land-use planning process, the bill would establish deadlines for the completion of the first generation of such plans, and provide for their revision at least every 15 years. This would respond to frequently expressed concerns about the slow pace of development of resource management plans and the lack of a requirement for keping them current. It would also underscore the importance of BLM's receiving adequate funding for timely completion of these plans.

The "truth in budgeting" requirement—prohibiting the "borrowing" of land acquisition funds for other purposes, such as firefighting—would closely parallel similar restrictions already adopted with respect to National Park Service funds. It is also in line with the Interior Committee's position, frequently reiterated in recent budget reports, that Congress should provide realistic "up front" financing for programs such as firefighting, so that money appropriated for land acquisition will not be diverted.

With respect to military activities, the bill is aimed at establishing a uniform, national policy with regard to use of public lands by the National Guard units—which as "State agencies" are not now covered by the provisions of law that apply to use of those lands by the Federal military services.

The bill would retain FLPMA's requirement for periodic submission of requests for reauthorization of appropriations for BLM. However, it would revise section 318 of FLPMA so that the next such request would be due by the start of the next Congress—rather than later in that Congress—and every 4 years thereafter. I believe that such timely submission of requests would help us avoid the problems that led to inaction on the last request—which reached the Congress in the second session of the 96th Congress, and in the middle of a Presidential-election year.

Finally, the bill would raise from $1,000 to $10,000 the maximum fine that could be imposed for a knowing and wilful violation of BLM regulations. This would be a more realistic deterrent to those who might otherwise be prepared to engage in unlawful activity, and would reemphasize the importance of vigorous enforcement of the law.

Mr. Chairman, while H.R. 828 is important, it is not radical, nor does it represent a major change in national land-management policy. Our committee has been very concerned, for a number of years, about BLM's ability to properly discharge its important responsibilities. This bill alone cannot correct all the deficiencies in BLM's implementation of FLPMA and in BLM's management of the public lands. But I believe that it will assist BLM to do the job right, especially if BLM is also given the resources, the people, and the leadership that it needs. I urge the passage of H.R. 828 as reported by the Committee on Interior and Insular Affairs.

□ 1440

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

Mr. HANSEN. Mr. Chairman, I ask unanimous consent to yield my time for the purposes of managing the bill to the gentleman from Montana [Mr. MARLENEE].

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this legislation which has had a mysterious evolution in the House. H.R. 828 began as a 10-line bill to reauthorize the Bureau of Land Management. That 10-line bill had strong bipartisan support. However, before the markup by the Subcommittee on Public Lands, an extensive eight page amendment emerged—title II—that dramatically transformed this legislation and forced all of us on this side of the aisle to oppose it. I would also like to point out that title II was created after our only hearing on this bill. Essentially, we are bringing a bill before the House today that does not even faintly resemble the 10-line bill that we had a hearing on. The added eight pages create a whole new realm of environmental law that applies to FLPMA. This radical change in FLPMA is not needed.

For example, in subcommittee and committee consideration we were told that the BLM placed livestock and

mining interests ahead of other users and were causing a deterioration of other resources on the public lands such as wildlife.

Mr. Chairman, I find this ironic when one considers the dramatic increase in big game populations found on BLM lands. Between 1960 and 1987 elk populations have increased an amazing 651 percent on BLM lands. Moose populations have increased 372 percent during this same period, bighorn sheep 324 percent to name a few. These numbers are testimony that the BLM's program of multiple use management is working and should be a model for other agencies.

These numbers also show that properly managed livestock grazing is a wise use of our public lands that benefits a vast assortment of public land users and plays a vital role in public land management. Let us not forget that livestock permitees have invested millions of dollars of their own money over the years in stock ponds and waterholes and put out salt and supplements on vast arid rangelands which have benefited wildlife as well as livestock.

Moreover, statistics reveal that BLM rangelands are in the best condition that they have been in the agency's history.

There are aggressive activist environmental groups who for selfish reasons would tell you otherwise. However, professional land management and university study groups reinforce the good management taking place.

This legislation is also supposed to result in BLM land use plans being completed faster. However, the Owens amendment, adopted in full committee after much controversy, would actually do the opposite by bringing the BLM planning process to a grinding halt.

Under this provision, we would require BLM land use plans to "support increases in the numbers and types" of wildlife and plant populations. The way things are currently proceeding, I could envision this section being used to encourage BLM planners to stop oil and gas exploration in areas frequented by desert tortoises and force wolf reintroduction in grazing allotments considered prime wolf habitat. Traditional multiple uses like live livestock grazing, motorized recreation and mining would be the losers in such a system.

Moreover, because of the complexity of wildlife and plant kingdoms, this provision would result in virtually anyone successfully challenging land use plans because the BLM might have overlooked a particular species that could potentially be supported in a certain area. This is litigation legislation.

Again, let us not forget that this legislation amends FLPMA to require the creation of areas of critical environmental concern [ACEC's] to "protect and enhance the resources and values" of any unit in the conservation system. One can better comprehend the magnitude of this section after examining some of the land designations included in the conservation system: National Park System—79.4 million acres, 343 units; national wildlife refuges—88.2 million acres, 640 units; national wildlife and scenic rivers—9,260 miles, 119 rivers; National Wilderness Preservation System—88.6 million acres; and National Trail System—24,000 miles, 114 trails.

Although I appreciate the chairman's willingness to include language stating our intent not to create buffer zones around these units, I still have major concerns about this section.

First, the requirement that ACEC's [Areas of Critical Environmental Concern] protect resources "located on or likely to be affected by the use of public lands" is virtually impossible to define and could be interpreted by a Federal judge to vastly expand the number of ACEC's.

Moreover, later in section 208(a), the Secretary is directed to "prevent the impairment or derogation of resources and values of conservation units." This could result in the creation of de facto buffer zones where multiple use activities are severely restricted.

Mr. Chairman, this legislation threatens the BLM's system of multiple use management that has allowed big game populations to sky rocket, range conditions to be at the best level in ages at the same time that grazing, mining, logging, and recreation are flourishing. We should not put this legislative strait jacket on an agency that has performed so well.

□ 1450

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

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. CLARKE], a member of the committee.

Mr. CLARKE. Mr. Chairman, I rise today in support of H.R. 828 as amended by the Interior Committee. H.R. 828 reauthorizes the Bureau of Land Management and reestablishes the periodic reauthorization process called for in the Federal Land Policy and Management Act of 1976. The bill also takes modest steps toward redressing the problems that have beset the BLM in recent years.

Numerous concerns about the environmental impacts of BLM's management of public lands have been raised in hearings before the National Parks and Public Lands Subcommittee over the last several years. Mr. VENTO has already referred to the GAO report.

As he has stated, the GAO testimony concluded that there will have to be a fundamental change in BLM's management approach in order for the principles of multiple-use and sustained-yield to be carried out as intended by Congress in the Federal Land Policy and Management Act. H.R. 828 is a good start toward making the right changes.

The chairman of the subcommittee has already provided an explanation of the details of the bill, so I will not take the time to restate them. Although some points of disagreement remain, in my view this bill constitutes a very modest effort to address some very serious problems at BLM. If these problems are not remedied the capacity of much of our public land to sustain a wide variety of plants and animals and to meet the growing demand for outdoor recreation will be seriously impaired. We would prove remiss in our stewardship of the BLM lands. I urge strong support for H.R. 828 as reported by the Interior Committee.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to H.R. 828. I was in support of the original form of the bill, which simply reauthorized the Bureau of Land Management for 4 years. However, many of my Interior Committee colleagues have changed the bill to such a degree, that in its current form it is unacceptable to my constituents in Wyoming. Nearly half of the State of Wyoming is public land. This includes over 14 million acres that are under the direct control of the BLM. The use of this land is vital to the economic development of our State. Passage of this bill would severely restrict the balanced use of the land by people for their livelihood and those who want the land preserved. It would further hinder the BLM's ability to manage public lands under its jurisdiction. I am a firm believer that through multiple-use, coexistence can be achieved between economic needs and environmental needs. Many aspects of this bill deeply concern me. Specifically, there is an amendment to the bill that would require the BLM to support increases in the numbers and types of wildlife and plant introduction to BLM land. I believe in preserving America's natural resources, but such a plan would stop a balanced use of public land. This would encourage BLM planners to restrict land development that is used for oil and gas exploration, which would result in an uncontrolled challenge to the authority of the BLM to manage public lands. The BLM land planning process would virtually come to a halt. Court challenge after court challenge seeking new wildlife introduction would stop the logical multiple use planning process. I believe that this bill is counterproductive to the goal of harmonious coexistence between groups with con-

flicting desires for land use. I urge my colleagues to take a very close look at this piece of legislation. What is being proposed here is needless restriction of important land in the State of Wyoming and the rest of the country.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Wyoming.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Chairman, may I inquire what is the percentage of public land in the State of Wyoming?

Mr. THOMAS of Wyoming. Wyoming consists of just right at about 50 percent public lands.

Mr. MARLENEE. So Wyoming is 50 percent public lands. And what importance is that to the recreation and multiple-use concept in Wyoming?

The basic question, the bottom line question is, would this legislation harm that concept?

Mr. THOMAS of Wyoming. The public land people, of course, look at public lands, the public lands States, as part of the economy of our States and our planning and our future with respect to mineral extraction, wildlife management, livestock management, all is contingent upon the management of these public lands.

So it has a dramatic impact on the future of our economic growth.

Mr. MARLENEE. Is the gentleman telling me that this legislation would have a negative impact on that?

Mr. THOMAS of Wyoming. That is my belief.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR]. Mr. SYNAR chairs a complementary subcommittee on the Committee on Government Operations and has done yeoman service in terms of the number of investigations which have relevance today with regard to the BLM.

Mr. SYNAR. I thank the chairman.

I thank the chairman, the gentleman from Minnesota [Mr. VENTO], for those kind remarks, and also for the outstanding job he has done; in bringing this legislation forward.

Mr. Chairman, I want to talk about two things today. First of all, I want to rise and tell you that I am pleased to join with my colleague from Georgia [Mr. DARDEN], in strong support of his amendment to prohibit subleasing of grazing permits, and to increase penalties for subleasing of grazing rights on public lands.

As many of my colleagues know, the current grazing fee system is totally out of kilter with marketplace realities. The fees are underpriced and inherently unfair to those who can not take advantage of the grazing permit system. The last figures we have from the Forest Service and the Bureau of Land Management show that, depending on the region, grazing fees could be increased up to five times their current levels.

Only 2 percent of grazing nationwide is part of the Federal system. So it is easy to see why heavily subsidized grazing on these public lands is unfair to the vast majority of other ranchers who can't participate in the Federal grazing program, but must compete in the marketplace with those few who do.

Moreover, when Federal assets such as these are underpriced, it is wasteful and inefficient. History shows that much of the land used for Federal grazing is in a degraded condition, and this is especially problematic for riparian areas which provide critical wildlife habitat.

These resources belong to all Americans—and the taxpaying public should get the full and fair benefit of owning them. As the program now stands, only a few reap the benefits—and they do so to the disadvantage of other ranchers.

My friend from Georgia deserves great credit and commendation for his attempts to reform the current grazing system to make it more efficient and more equitable for the taxpayers and other ranchers. I am a cosponsor of his legislation, and I hope the House will consider his bill to make needed reforms during this Congress.

In the meantime, we have a chance to put a stop to an ongoing abuse of the grazing permit system by supporting the amendment he has before us today dealing with subleasing of grazing permits. Congress never intended to authorize this type of subleasing; yet it has persisted because of a regulatory loophole. In 1985, the Forest Service and BLM reviewed 1,000 subleases on 47,000 grazing allotments. At a time when the legal animal unit month [AUM] rate was approximately $1.50, these permit holders received between $8 and $12 per AUM from subleasers and pocketed the difference.

If $8 to $12 represents the more realistic market value of those grazing rights, then the American people should be getting that amount for the use of these public lands—not a privileged few who happen to hold these grazing permits.

It is bad enough that the current grazing fees greatly under price these resources; subleasing at significantly higher rates is just rubbing the taxpayers' noses in it.

As I indicated before, I hope Congress will act on the legislation providing more comprehensive reform for the grazing program. But in the meantime, it is essential that we put a stop to this subleasing practice by adopting the Darden amendment today.

□ 1500

With my remaining time, let me address something to my Republican colleagues. I hope they will all listen to me.

I have been sitting on this floor for the last hour, listening to some of their comments. They have been making comments that this started as a simple reauthorization at 10 lines, and now it is very complicated with 8 pages. They sat over there and protested, crying "foul," saying that the scope has grown way beyond what the original intent was. They have addressed it like it is a radical change. One person commented we are micromanaging BLM. What I find appalling is that they are not coming to the well of this floor and demanding that we do have radical change and that we do micromanage this system. Why? Because, my colleagues and fellow Americans, the Bureau of Land Management may be the worst run agency in this Government.

It has, for the last 8 years, been run rampant with incompetent administration, ineffective and negligent enforcement. It has mismanaged our Nation's most precious resources, and at the expense of all taxpayers.

If this is radical change, it is darn overdue. If it is micromanaging the Bureau of Land Management, it is darn long overdue. It is long overdue, let Members try to change it with H.R. 828 today. It will be a good start.

Mr. MARLENEE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I find the gentleman from Oklahoma's comments astounding, astounding in the fact that the National Cattlemen have taken a position, both against the reauthorization of this piece of legislation and against the kind of position that my friend from Oklahoma is trying to put forth in the well of the House. I find it amazing that this man stands on the floor of the House of Representatives and attempts to slander the good public servants that we have in the Bureau of Land Management, across the United States of America, from Washington, DC, all the way to the local offices.

Mr. Chairman, I yield 2 minutes to my good friend and colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], and ask her to yield to me for a question.

Mrs. VUCANOVICH. Mr. Chairman, I yield to the gentleman from Montana.

Mr. MARLENEE. What percentage of your area of the State of Nevada is public land?

Mrs. VUCANOVICH. Eighty-seven percent.

Mr. MARLENEE. I thank the gentlewoman for yielding.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to H.R. 828, the Bureau of Land Management reauthorization bill. The BLM is very important to my State, which is 87 per-

cent public lands. I support a straight reauthorization because I believe the BLM generally does a good job of land management according to its multiple-use mandate.

However, title 2 of H.R. 828 would make substantial changes to the Federal management of public lands, particularly units of the conservation system that encompass over a quarter of a billion acres and almost 12,000 miles of rivers and trails. Title 2 would enlarge areas of critical environmental concern, require the BLM to enlarge the populations and varieties of plants and animals, and restrict National Guard access to public lands for training purposes.

The language regarding "areas of critical environmental concern" [ACEC], is too vague for effective policy. The plant and animal requirements are too restrictive for balanced multiple use management. Further, the limitations on land usage by the National Guard place an undue burden on a vital part of our national defense.

I would like to express my thanks to Chairman VENTO for his willingness to discuss the divisive issues of H.R. 828 but for the reasons just stated, I oppose this bill and urge my colleagues to oppose it as well and also urge them to support Mr. HANSEN's amendment to strike section 203, which would hinder the National Guard's ability to train on these lands.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I think one of the very positive aspects of the legislation is now presented. It keeps the Grazing Advisory Board in the initial draft. The subcommittee had produced a document that had the termination of the Grazing Advisory Board. It is very important for anyone in the West to have representation in some of these boards by individuals that are in the cattle business that know land, and I think it was interesting that, unfortunately, that that got into the bill. Apparently not enough input had been taken from several of the western members. That provision is now out, and the Grazing Advisory Boards, which are critically important in the West, are in the bill. I think for those that are concerned about this, all over the Southwest and the West, the Grazing Advisory Boards, which are vital for many land management decisions affecting the West, are in this bill.

I thank the chairman for having restored those.

I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I want to thank the gentleman for his advice and counsel, as well as the gentleman from Montana, because I think this issue became one of the flash points with regard to my approach that was somewhat analytical and idealistic, assuming the Grazing Advisory Boards would be merged with Multiple Use Councils. I found out to my chagrin that there was not that confidence in this use of time by the Multiple Use Council to accommodate the concerns of the Grazing Advisory Board, as points of comment from the gentleman from Montana, and the pervasive arguments of the gentleman from New Mexico. I think that is a point we were able to work on in the committee, and work out a solution.

Obviously, we want to work in the future to see if we can someday, I hope, use the Multiple Use Councils, where all the interests and use of the public lands come together, and people have confidence and feel they are adequately represented in such a context.

□ 1510

□ Mr. MARLENEE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, let me ask the gentleman, how much of the land acreage located in New Mexico is in BLM?

Mr. RICHARDSON. About two-thirds.

Mr. MARLENEE. Close to two-thirds?

Mr. RICHARDSON. Approximately.

Mr. MARLENEE. Mr. Chairman, I congratulate the gentleman for his understanding and his consideration of the needs of multiple use in that State, and particularly the need for harvesting the renewable resources of that land. Particularly, I congratulate the gentleman for maintaining the Grazery Advisory Board. It has done a good job.

I would like to ask the gentleman one further question if he would yield to me again.

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, does the gentleman think that the Bureau of Land Management has done a tolerable job or a good job of managing the BLM resources in the State of New Mexico?

Mr. RICHARDSON. I do.

Mr. MARLENEE. Mr. Chairman, I thank the gentleman for his responses.

Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. WISE). The gentleman from Montana [Mr. MARLENEE] has 15 minutes remaining.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Chairman, I thank my friend, the gentleman from Montana, for yielding me this time.

Mr. Chairman, I rise in opposition to what began as a simply reauthorization bill for the Bureau of Land Management and came now to a statement by a few who believe we can remanufacture public land management by amendment to an act of Congress. I reject that idea. I reject it because I concur with those from the west who believe that the work of the Bureau of Land Management can be improved, but they have done an excellent job of managing the public lands, not only for those in the west but for those in this great land of ours. And by the way, those people in this country are the ones who own all the land, the public lands, and, therefore, I think they ought to be represented, and they have been, through the Bureau of Land Management.

Mr. Chairman, at this point, I wish to interject extraneous material presented as an answer to the GAO which has been quoted for the RECORD. That material is as follows:

BUREAU OF LAND MANAGEMENT,
Washington, DC, June 21, 1989.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior, and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to the request made by Representative Robert F. Smith at the April 11, 1989, hearing of the National Parks and Public Lands Subcommittee on H.R. 775 and H.R. 828, and his follow-up letter of April 13, 1989, to respond in writing to the criticisms of the Bureau of Land Management made by the General Accounting Office's Associate Director, James Duffus III, in his statement at the hearing.

We are pleased to enclose responses to GAO's statements.

We trust that this information will be helpful.

Sincerely,

ROBERT F. BURFORD,
Director.

1. GAO Statement: On the first page, GAO contends the "* * * BLM is not exercising balanced stewardship over the public lands as required by its multiple—use and sustained—yield mandates. In many instances, BLM has been more concerned with either the immediate needs of special interest groups or budget reductions than with ensuring the long-term health of the resources."

Response: From the outset, Mr. Duffs attacks the BLM's management of mining and grazing on the public lands as inconsistent with either FLPMA or the Public Rangelands Improvement Act. The GAO testimony is simplistic in that it focuses on a portion of the legislative authorities within FLPMA, and fails to consider the full range of authorities and responsibilities that direct public land management.

GAO begins by asserting that all public land management must be on a "sustained-yield, multiple use" basis. This does appear as a finding in Section 102(A)(7) of FLPMA. GAO's statement appears to define sus-

tained-yield and multiple use as a set of management acts and decisions that are solely related to protecting, preserving or "improving" renewable resources, etc., as the findings in Section 102(A)8 appears to do. The Congress did desire sound management of renewable resources when it enacted Sections 102(a)(7) and 102(a)(8). However, the Congress also recognized the consumptive uses of both renewable and nonrenewable resources. Those interests are reflected in Section 102(a)12 and 302(b) of FLPMA. These sections of FLPMA make it clear that Congress intended that the public lands are to be managed in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, implements the Mining Minerals Policy Act of 1970; and prevents unnecessary or undue degradation of the public lands.

Congress intended private use of the public lands to be balanced with the preservation, protection and improvement of renewable resources. However, the authorization of private use requires the recognition and accommodation of the user's economic, political, and social needs. It would appear that GAO has adopted the notion that on the public lands, the Federal government is the sole source of the conditions that "comprise the market," and these it can dictate to the users of the land. Each resource program must recognize the economic, political and social forces that affect the users of the public lands, and seek ways to accommodate those conditions that neither the user nor the government can control. One example of such forces is the surety and financial markets.

2. GAO Statement: On page 2, under the heading "Evidence of Unbalanced BLM Management," "BLM has often placed the needs of commercial interests such as livestock permittees and mine operators ahead of other users as well as the long-term health of the resources."

Response: In BLM's range management program, the first consideration is the long-term health of the resource, in terms of plant vigor and reproduction needs. Forage produced above the basic requirements of the range plant is considered available for grazing animals. This is normally 50 percent of the current year's growth.

In issuing commercial permits, the long term health of the resource is reflected in rehabilitation measures and management practices. There are cases where commercial interests have been refused permits so that certain resources can be protected. Multiple use cannot and does not mean every use on every acre or land. In many cases, simultaneous uses are possible. In other cases, one or more uses must be limited to protect a sensitive resource or to develop a needed resource. Routinely, permits, leases, and mining plans of operation contain conditions and requirements to protect sensitive resources such as key wildlife areas, archaeological resources, and rare plant species.

An appropriate amount of the usable forage production is committed to wildlife at the expense of livestock. Water developments are designed to serve wildlife needs. Fences are designed to accommodate big game movements and migrations. Land treatments are designed to provide edge effect for wildlife, and seeding mixtures include wildlife forage plants. Many livestock grazing permittees wonder why they must always give in to other interests and competing uses.

3. GAO Statement: On page 3, under the heading "Rangeland Management", GAO states "We found that almost 60 percent of the grazing allotments for which BLM range managers had current status information were in less than satisfactory condition. * * * on 75 percent of the allotments threatened with overgrazing, BLM had not scheduled any action to reduce authorized grazing levels."

Response: In reviewing the GAO report, we could not locate the finding that almost 60 percent of the grazing allotments for which BLM range managers had current status information were in less than satisfactory condition. There is a statement to the effect that 59 percent of the BLM rangeland was in Fair or Poor Condition. We point out that GAO found the trend in range condition stable or improving on 93 percent of their sample.

GAO did not mention that the "75 percent" of the grazing allotments found to be "threatened with overgrazing" and for which no action is proposed constitute only 15 percent of total BLM grazing allotments. GAO did find and did not state that 80 percent of the allotments were not threatened with overgrazing, and that action is being taken, or has been scheduled, on 25 percent of the remainder. Thus, action remains to be taken on only 15 percent of all BLM grazing allotments. We are currently in the process of gathering needed information to determine the appropriate action on these BLM grazing allotments.

4. GAO Statement: In the last paragraph on page 3 and continuing on page 4, GAO is critical of BLM's riparian area management. GAO states that BLM's "* * * success stories represent only a tiny fraction of the total stream miles needing improvement. Greater progress in this area has been blocked by a lack of both upper management support and staff."

Response: We agree there is much to be done in this area. We regret the perception that managment does not support responsible riparian area managment efforts. For example, budget and program guidance to field offices for the appropriate resource Divisions includes riparian management as a specific line item or as an item of special interest. Field line managers have been specifically informed of our commitment at Bureau management team meetings and through individual program meetings. We have taken measures to reaffirm BLM's commitment to sound riparian area management and improvement.

The fact is that more progress has been made than GAO was willing to recognize in its report.

For example, each of the BLM's Districts in the western U.S. has established riparian demonstration areas. Where management techniques are found to improve these areas, the technology is being transferred to other Districts and areas.

In addition, in the Rock Springs, Wyoming area, some 2 million acres of public rangeland including some 2,000 acres of riparian habitat, have been brought up to good to excellent condition through improved livestock management. This was a cooperative effort among the livestock industry, other interest groups, and BLM. GAO investigators were aware of this effort and actually visited the area. They did not recognize it in the report. Investigators indicated to BLM field personnel that since the accomplishment was through improved management rather than as a "project", they for example, would not consider it. This is specious reasoning.

In 1988, BLM received 20 of 30 awards given by the American Fisheries Society for excellence in riparian area management.

5. GAO Statement: In the first paragraph on page 4, GAO states "* * * that restoration efforts have been thwarted by BLM managers when those efforts are opposed by the ranchers with grazing permits. The [BLM] staff pointed out specific instances where permittees responsible for livestock trespass in designated riparian recovery areas were not penalized even though the livestock and associated permittee actions had caused heavy damage."

Response: We have been unable to find specific examples of where restoration efforts have been thwarted by BLM managers or where cases of livestock grazing trespass in riparian recovery areas have been inappropriately dealt with. To the contrary, we have made it a point to reaffirm our commitment to responsible riparian area management with field managers, both verbally and through instruction memoranda.

6. GAO Statement: On page 4, under "Hardrock mining" GAO states "* * * BLM land protection requirements are much less demanding than those of the Forest Service on the industry—in this case mine operators." The statement notes that BLM regulations generally do not require mine operations on five or fewer acres to post a bond.

Response: GAO fails to acknowledge BLM's recognition of and concern for the small explorationist and start-up mine operator. Indeed, GAO has dismissed that concern not by rebutting its validity, but by citing the "costs" of reclaiming abandoned sites. In comparing BLM and Forest Service on the issue of bonding, GAO implies that BLM should consider a Forest Service style system utilizing mandatory bonds on operations with the potential to pass the "significant surface disturbance" threshold.

GAO fails to mention its own work on the bonding provisions of the Surface Mining Control and Reclamation Act, and their effects on small coal mining operators. The April 1988 report which discussed the liquidity crisis faced by coal mine operators who must post a financial guarantee is not mentioned even though its conclusions are equally applicable to hardrock exploration and start-up mine operations. GAO ignores the conclusion of its latest report that the bonding problem and the alternative solutions are the cause of liquidity crisis among small coal mine operators.

7. Statement: Also on page 4, under "Hardrock mining", GAO states: "* * * we found in 1986 that of 556 mining operations, BLM required only 1 to post a bond. When many of these sites were subsequently visited by BLM, more than a third were unreclaimed."

Response: We are aware of reclamation needs. While we do not have data on each of the revisited sites, we feel that some may only have appeared abandoned and unreclaimed. In fact, they were ongoing and active mining operations. In addition, we believe a number of these mining operations were started before the effective date of our surface management regulations (43 C.F.R. 3809 et seq.) in 1981. Prior to the effective date of these regulations, BLM had no authority for requiring a mining operation to post a bond. Bonding is now provided for under 43 CFR 3809.1-9.

Further, our State offices are aware of reclamation needs and are working towards reclamation objectives. For example, BLM is developing surface management agreements with State and County governments to con-

trol surface disturbances on mining operations.

8. GAO Statement: On page 5, under the heading "Observations from ongoing work", GAO alleges ". . . that BLM is not adequately addressing the environmental consequences of oil and gas development in its land use planning process."

Response: Prior to the leasing process, measures are taken to insure that the environmental consequences of oil and gas development are addressed during the land use planning process.

The Bureau's Supplemental Program Guidance (SPG) for fluid minerals (Manual Section 1624.2, dated 11/14/86) describes oil and gas resource management planning determinations. Land use plans should:

Identify which areas will be open to development and which will be closed. Identify the extent to which areas currently under lease will be open to leasing when leases expire.

Identify the lease stipulations that will be employed in areas that are or will open to leasing, and describe the circumstances within which these stipulations will or will not be waived, excepted, or modified.

Identify whether planning determinations concerning leasing and development will apply to geophysical exploration.

The factors that are to be considered in arriving at these determinations in resource management plans and environmental impact statements (RMP/EISs) and plan amendments are also described in the SPG Manual. The factors for oil and gas which are analyzed during the land use planning process include:

The potential for oil and gas occurrence and/or development.

The cumulative environmental impacts of reasonably foreseeable fluid mineral development for each alternative.

The RMP/EISs and associated documents (MFPs, EAs, programmatic documents) analyze describe the impacts of planning alternatives. Critical to the analysis is the projection of reasonably foreseeable levels of activity based on available data. This information is used to predict actions that might be expected to occur and what the impacts of these actions might be. To assure RMP/EIS adequacy, the planning process involves public participation at several stages prior to the final decision.

We are reviewing land use plans to assure compliance with SPG requirements for oil and gas in certain oil and gas areas. BLM has compiled a schedule which lists RMP/EISs and plan amendments that should be in compliance with the SPG.

In addition, guidance is currently being developed to implement the SPG for fluid minerals. A draft SPG handbook has been reviewed by BLM field offices and is being revised to incorporate field input. The Handbook will address how land use plans should describe and analyze:

Leasing, exploration, and production trends in the planning area, including the number and location of existing leases, expressions of leasing and exploration interest, number and location of wells, units, and areas covered by communitization agreements, and production history;

The manner in which leasing and permitting is conducted, and the manner in which the Federal government manages exploration, development, and abandonment activities;

Reasonably Foreseeable Development (RFD) scenarios for the areas that will be open to exploration and development under each alternative considered in the RMP/EIS;

The direct, indirect and cumulative impacts that would be associated with the RFD scenarios for each alternative; and

The necessity for, and effectiveness of, proposed stipulations and conditions of approval to mitigate projected impacts.

9. GAO Statement: On page 5, under the heading "Observations from ongoing work", GAO alleges "* * * that when the interests of fish and wildlife, wild horses, or other noncommercially oriented values conflict with those of commodity groups, the latter usually prevail."

Response: No specific examples are presented by GAO to support this conclusion. There are specific regulations and policies in place requiring that we identify appropriate habitat and numbers of wildlife and wild horses through the BLM land use planning process. Once these determinations are made, with full public participation, any permit, lease, or license issued to a commodity interest is conditioned to accommodate the noncommodity resource. Wild horses are removed when populations exceed the management levels. Livestock numbers are adjusted as soon as there is data acceptable to the authorized officer to determine proper management levels.

BLM does not reduce authorized livestock grazing levels arbitrarily. Annually, BLM reviews 500 to 1,000 allotments. Based upon a sampling of 466 decisions and agreements made during the period from 1982 to 1988 in six Resources Areas in three states—37 percent of the adjustments were decreases, 14 percent were increases, and 49 percent had no change.

First priority for allotment review are those allotments that have conflicting uses, such as wild horses, and wildlife.

10. GAO Statement: On page 5, under the heading "Keys to Improving BLM's Performance". GAO acknowledges improvements by Interior and BLM in riparian area management. However, in its report on rangeland conditions, GAO states "* * * Interior was much less receptive raising doubts that substantive improvements will be made."

Response: BLM's policy and the regulations under which it operates support an orderly program of decision making and management implementation on livestock grazing allotments. Priority is given to those allotments that may be overstocked and have declining trends. Since the GAO report, we have taken added positive action to reinforce BLM's commitment to these priority actions through management team meetings, individual program meetings, and written directives.

11. GAO Directives: In the paragraph beginning on the bottom of page 5 and continuing on page 6, GAO alleges "While BLM has initiated some actions to better comply with the congressional mandates of multiple-use and sustained-yield, the impetus for these actions has often not come from within the agency. Rather, it has resulted largely from congressional oversight and legal actions. * * *"

Response: Legal actions have hindered progress in implementing sound livestock grazing management practices since 1975. BLM has been required to produce 142 major environmental impact statements at a cost of approximately $200,000 to $300,000 each. In addition to costing over $30 million, a major portion of our work force has been directed from on-the-ground management to preparation of EISs. Further, during this period BLM could not enter into any grazing Allotment Management Plan, or its equivalent, until an EIS was completed on the planning area covering the allotment needing management. If there had not been a will in BLM to improve range conditions on public lands, little, if any progress would have been made. In spite of this adversity, BLM has made substantial progress. The area of public rangeland in Good to Excellent Condition has been doubled since 1975 and the area in Poor Condition has been reduced by one half.

12: GAO Statement: In the second full paragraph on page 6, in talking about a fundamental change in course, GAO states: "We do believe, however, that there are a number of specific signs to look for that you would indicate such change was beginning." GAO mentions signs which reflect this, including reducing overgrazing, and more rigorous enforcement.

Response: The "signs" referred to by GAO are already evident. Under the current selective management policy, BLM identifies those allotments most in need of management. These are given first priority for actions, including stocking adjustments and changes in season of use.

The current monitoring policy directs BLM priority for range studies to determine what changes may be needed in managing those allotments with conflicts. Action is then taken, as indicated by the range studies of actual livestock use, the amount of forage consumed, climate, and vegetation trend. As indicated earlier, approximately 37 percent of the indicated actions involve livestock reductions.

Regarding livestock grazing trespass, BLM takes action on some 500 cases of unauthorized use per year, and collects approximately $150,000 per year in penalties. Most of these cases involve, in some manner, permit violatons. Others involve non-permittees.

Mr. Chairman, this bill actually makes major changes in the Organic Act of the Bureau of Land Management, and I believe it will enhance the opportunity for the Bureau of Land Management to manage public lands in a multiple use manner.

As has been stated, more than 300 million acres of land under the control of the Bureau of Land Management is in the West, and, of course, this land contributes to the needs of our people for livestock forage, for timber, and for their livelihood. As has been stated by the gentleman from Montana [Mr. MARLENEE], in answer to many questions, it is imperative that we in the West live from the fruits of public lands. Those who live east of the Mississippi River must understand that those public lands are as much a part of our livelihood as are the private lands east of the Mississippi River. So what we do with public lands involves us directly in our livelihoods, be it with timber, forage, minerals, or whatever. So that normally brings us sometimes to a confrontation. There are those who want to eliminate us from timber harvesting, there are those who want to eliminate us from the use of renewable natural resources such as forage and the harvesting of grass, and they want to eliminate any kind

of opportunity for public lands, and this does not take into consideration those people speaking by innuendo on this bill, for it or against it. But I suggest to the Members that in relation to the underlying cause for this elimination of these items for the people who live and whose futures depend upon public lands, there is a specific issue in this bill which I want to address. It has to do with critical environmental concerns.

There are pieces of public lands which have been identified by the Bureau of Land Management which are to be managed for critical and environmental concerns. There are 70 centers in Oregon. We ought to do that, but we ought not to do it by this language, creating a buffer zone around those areas of concern by indirect language such as in this bill. And let me quote:

> There may be concerns outside these political boundaries about lands located on or likely to be affected by the management of these special concerns.

Mr. Chairman, I thank the chairman of the subcommittee for his language that was placed in the report area of this bill which says that we do not want to involve buffer zones. Yet we have retained in this language this arbitrary kind of statement, and I suggest to my friends that this may be an opportunity for a lawsuit. It may be an opportunity for those who do not understand this language to take us to court and tie up public lands forever, as they have in the West on the timber issue. And there may be those who, through no fault of their own, may be interested in doing that. I am not, because I feel this language does create ambiguity, and this language is appealable.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to point out that the language the gentleman refers to in regard to buffer zones is not just in the report. It is in the bill in two specific instances.

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the subcommittee chairman for that clarification, and yet I must also point out that the language in the bill still remains subject to review, and I would hope that if this question is ever tested, our colloquy here will be reported. I thank the chairman of the subcommittee for that clarification.

I have lived with public lands all my life, and I represent people in the West who live all their lives with public lands. They depend upon them. This is very critical to us, and I suggest that if we are really serious about the reauthorization of this kind of public lands legislation, we should do that at the moment. We should not legislate arbitrary questions into this bill. We should authorize it, and we should go on with our bill. If there are interests that differ with the interests we have in land management in different areas, we should let them stand as a separate bill in the House so we can debate those issues.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. KILDEE], who had the privilege of working on a BLM bill for his entire State last year.

Mr. KILDEE. Mr. Chairman, I am pleased to rise in strong support of this legislation. As a member of the House Interior Committee for 8 years, I have worked with Mr. VENTO on a number of important public lands issues. There is no question that Mr. VENTO has been a true champion in protecting our Nation's precious natural resources. I believe the bill before us today is a tribute to his ability to deal effectively with such important environmental issues facing our country. I urge my colleagues to support Mr. VENTO's bill as it was reported out of the House Interior Committee, and to oppose any amendments to weaken this legislation.

Mr. Chairman, the bill before the House today will reauthorize appropriations for the Bureau of Land Management. With over 270 million acres of Federal lands under its jurisdiction, the BLM is the chief manager of Federal lands today. In managing these lands, it is vitally important that the BLM strictly upholds the Federal Land Policy and Management Act that the Congress passed over a decade ago. This landmark legislation directed the Bureau of Land Management, for the first time, to protect the natural and cultural resources of these public lands. Unfortunately, this has not been the case. Time and time again we have learned that the BLM has not fulfilled its mission in protecting and enhancing these lands.

H.R. 828 is designed to help the BLM become a better manager of these quarter of a billion acres by providing more guidance to BLM in addressing critical environmental areas. This bill also helps clarify the policy of BLM land use by State military units, and it improves the process for congressional review of BLM programs. Moreover, this bill has a tough enforcement clause that increases the penalties for criminal violation of BLM regulations.

Mr. Chairman, I strongly urge my colleagues to support the House Interior Committee's bill and to oppose any amendments that would weaken this legislation. By passing this important bill, we will be ensuring that our public lands will be better managed for our children, and our children's children.

Mr. UDALL. Mr. Chairman, I am pleased to rise in strong support of H.R. 828, the BLM reauthorization bill for fiscal years 1990 through 1993. A lot of attention gets focused on the more glamorous lands administered by the Park Service, Forest Service and Fish and Wildlife Service. But the 270 million acres managed by BLM contain some of the most valuable economic and environmental resources in our Nation. And the sad truth is that they have not been as much a beneficiary of the kind of progressive, modern management that our forests, parks and refuges have been. As the West continues to grow, more attention will be focused on BLM lands and their potential to meet the broad, multiple uses the public demands.

It seems to me that H.R. 828 is a step in that direction by giving more definition to areas of critical environmental concern, updating planning requirements and resource inventories, expanding participation on advisory councils and extending the professional qualifications for top BLM employees.

These really are modest improvements in the way BLM does business, but they are necessary. BLM is supposed to be the multiple use agency. Too often, multiple use has really meant ranching, mining and other economic uses while fish and wildlife, recreation and ecology are given short shrift. There needs to be more balance before multiple use has real meaning. This bill is a step in that direction and I am happy to support it.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the bill to reauthorize the Bureau of Land Management. I comment Chairman VENTO for his work in preparation of this bill.

I am especially supportive of language added in full committee by Mr. WAYNE OWENS. The Owens language is appropriate and conservative in the true sense of the word: Conserving our natural resources. The Owens language merely directs the BLM to study the capabilities of the land with respect to ecological enhancement and restoration. This is not a radical concept.

Many of the 270 million acres managed by the BLM are the lands that were left over after the prime pieces of real estate were added to other agencies and to private owners. Many of these lands were in a degraded condition when the BLM began to manage them. According to a 1988 GAO report, more than 50 percent of the BLM range lands are either in poor or fair condition. The GAO found that an additional 20 percent of the lands are threatened due to unsustainable grazing practices. The BLM reauthorization bill moves to protect these lands and to move the BLM toward greater stewardship of the biological diversity under its domain. The Owens language is a modest provision directing study that could be used to restore these degraded lands.

There has also been a lot of controversy in this reauthorization debate concerning the BLM's role in conserving biological diversity. Biological diversity is not some "vague buzzword." Biological diversity is a commonly accepted scientific term that refers to the entire range of variety and variability of living organisms and the ecological complexes in which they occur. Biological diversity is the sum of the living resources that sustain life on this planet. In 1986, the Office of Technology As-

sessment released an excellent report on biological diversity that I recommend to my colleagues.

The BLM has testified before my Subcommittee on Natural Resources, Agriculture Research and Environment about the importance of their lands for conserving biological diversity. According to the BLM document "Fish and Wildlife 2000", BLM lands are the homes for over 3,000 species of vertebrates. Over 80 threatened and endangered animals and 250 candidates, 45 threatened and endangered plants and over 620 plant candidates for listing are found on BLM lands.

Yet despite this richness, BLM has been slow to adopt practices that truly protect the full range of biological diversity. This authorization bill provides additional direction to the BLM to put conservation at the top of their priority list.

My National Biological Diversity Conservation and Environmental Research Act (H.R. 1268) has more than 125 cosponsors—who say that conservation of biological diversity should be a national priority. I urge the cosponsors of my bill and the other Members of this House to support the authorization bill so ably prepared by Chairman VENTO.

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

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

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The Clerk will read.

The Clerk read as follows:

H.R. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated such sums as may be necessary for programs, functions, and activities of the Bureau of Land Management, Department of the Interior (including amounts necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs) during fiscal years beginning on October 1, 1989, and ending September 30, 1993.

COMMITTEE AMENDMENT

The CHAIRMAN pro tempore (Mr. WISE). If there are no amendments to the bill, the Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Page 2, after line 5, insert the following:

TITLE II—AMENDMENTS TO FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

SEC. 201. STATUTORY REFERENCE.

As used in this title, the term "the Act" means the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

SEC. 202. DEFINITIONS.

(a) AREAS OF CRITICAL ENVIRONMENTAL CONCERN.—Section 103(a) of the Act (43 U.S.C. 1702(a)) is amended to read as follows:

"(a) The term 'areas of critical environmental concern' means areas within the public lands where special management attention (which may include restrictions on or prohibition of development) is required in order—

"(1) to protect important resources and values (including environmental, ecological, historic, cultural, scenic, fish and wildlife, and scientific resources and values) located on or likely to be affected by the use of public lands (but it is not the intent of Congress that the Secretary establish protective perimeters or buffer zones around such areas);

"(2) to protect life and safety from natural hazards; or

"(3) to protect or enhance the resources and values of a conservation system unit, but it is not the intent of Congress that the Secretary establish protective perimeters or buffer zones around conservation system units.".

(b) CONSERVATION SYSTEM UNIT.—Section 103 of the Act (43 U.S.C. 1702) is amended by adding at the end thereof the following new subsection:

"(q) The term 'conservation system unit' means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or a National Conservation Area or National Forest Monument.".

SEC. 203. MAJOR USES AND INVENTORIES.

(a) DEFINITION.—Section 103(1) of the Act (43 U.S.C. 1702(1)) is amended—

(1) by striking "fish and wildlife development and utilization," and inserting in lieu thereof "maintenance of plant communities, maintenance of fish and wildlife populations and habitat, utilization of fish or wildlife populations,"; and

(2) by striking "and timber production" and inserting in lieu thereof "timber production, reforestation, and scientific research".

(b) INVENTORY.—Section 201(a) of the Act (43 U.S.C. 1711(a)) is amended by striking the period at the end of the first sentence and inserting in lieu thereof "and riparian areas.".

(c) MANAGEMENT DECISIONS.—Section 202(e)(2) of the Act (43 U.S.C. 1712(e)(2)) is amended by striking "the Congress adopts a concurrent resolution" and inserting in lieu thereof "there is enacted a joint resolution".

SEC. 204. PLANNING REQUIREMENTS.

(a) DEADLINES.—Section 202(a) of the Act (43 U.S.C. 1712(a)) is amended—

(1) by designating section 202(a) as section 202(a)(1); and

(2) by adding at the end of section 202(a) the following new paragraphs:

"(2) Land use plans meeting the requirements of this Act shall be developed for all the public lands outside Alaska no later than January 1, 1997, and for all public lands no later than January 1, 1999.

"(3) Land use plans shall be revised from time to time when the Secretary finds that conditions have changed so as to make such revision appropriate or necessary for proper management of the public lands covered by any such plan, but in any event at least every 15 years.".

(b) CRITERIA.—(1) Section 202(c)(1) of the Act (43 U.S.C. 1712(c)(1)) is amended to read as follows:

"(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law and evaluate the feasibility of measures, consistent with such principles, that would enhance the extent to which the public lands can support increases in the numbers and types of plant communities and fish and wildlife populations located on or supported by such lands;".

(2) Section 202(c)(3) of the Act (43 U.S.C. 1712(c)(3)) is amended to read as follows:

"(3) give priority to the designation and protection of areas of critical environmental concern and to identification, protection, and enhancement of the ecological, environmental, fish and wildlife, and other resources and values of riparian areas.".

(3) Section 202(c)(5) of the Act (43 U.S.C. 1712(c)(5)) is amended to read as follows:

"(5) consider present and potential uses (including recreational and other nonconsumptive uses) of the public lands;".

SEC. 205. PROFESSIONAL QUALIFICATIONS.

Section 301(c) of the Act (43 U.S.C. 1731(c)) is amended to read as follows:

"(c) In addition to the Director, there shall be a Deputy Director and so many Assistant Directors, State Directors, and other employees as may be necessary, appointed by the Secretary. After May 1, 1989, no person may be appointed as Deputy Director of the Bureau or as an Assistant Director or State Director who is not at the time of appointment either a career appointee (as defined in section 3132(4) of title 5, United States Code) or in the competitive service. Other employees shall be appointed subject to provisions of law applicable to appointments in the competitive service, and shall be paid in accordance with the provisions applicable to such service.".

SEC. 206. MILITARY ACTIVITIES.

(a) STATE AGENCIES.—Section 302(b) of the Act (43 U.S.C. 1732(b)) is amended—

(1) by inserting "or the military department (or its equivalent) of any State" after "Federal departments and agencies"; and

(2) by adding at the end the following new sentence: "Nothing in this subsection shall be construed as prohibiting the military department (or its equivalent) of any State from using any public lands where such use by any such State agency was authorized as of January 1, 1989.".

(b) REPORT.—No later than one year after the date of enactment of this subsection, the Secretary concerned shall transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report indicating the extent to which the Department of Defense (or military department therein) and the military departments (or their equivalents) of the several States (including the District of Columbia and the Commonwealths and territories of the United States) have been authorized to utilize public lands or National Forests lands for training or other purposes and concerning the terms and conditions under which such lands may be used by such agencies.

SEC. 207. INCENTIVE FOR ENFORCEMENT.

Section 303(a) of the Act (43 U.S.C. 1733(a)) is amended by striking "no more than $1,000" and by inserting "no more than $10,000".

SEC. 208. MANAGEMENT OF LANDS AND PUBLIC PARTICIPATION.

(a) IN GENERAL.—The last sentence of section 302(b) of the Act (43 U.S.C. 171732(b)) is amended to read as follows:

"In managing the public lands, the Secretary, by regulation or otherwise, shall take any action necessary to prevent unnecessary degradation of such lands, to minimize adverse environmental impacts on such lands and their resources resulting from use, occupancy, or development of such lands, and to prevent impairment or derogation of the re-

sources and values of conservation system units.".

(b) ADVISORY COUNCILS.—Section 309(a) of the Act (43 U.S.C. 1739) is amended—

(1) by striking the period at the end of the first sentence and inserting in lieu thereof ", including the protection of environmental quality, the management and enhancement of fish and wildlife populations and habitat, and outdoor recreation."; and

(2) by striking the period at the end of the fourth sentence and inserting in lieu thereof ", who shall provide an opportunity for interested members of the public to suggest persons for appointment.".

(c) ACEC REGULATIONS.—Section 310 of the Act (43 U.S.C. 1740) is amended by designating the existing provisions thereof as subsection (a) and adding the following new subsection:

"(b) In promulgating rules and regulations pursuant to this section with respect to the public lands, the Secretary shall provide for appropriate management of areas of critical environmental concern in order to fulfill such of the purposes specified in section 103(a) for which particular areas of critical environmental concern are designated, and shall provide an opportunity for members of the public to propose specific areas for consideration for designation as areas of critical environmental concern pursuant to section 201 of this Act.".

SEC. 209. FUTURE REAUTHORIZATIONS.

(a) PROCEDURE.—Section 318(b) of the Act (43 U.S.C. 1748(b)) is amended by striking "May 15, 1977, and not later than May 15 of each second even-numbered year thereafter" and inserting in lieu thereof "January 1, 1991 and January 1 of each second odd-numbered year thereafter".

(b) RESTRICTION.—Section 318(d) of the Act is amended by adding at the end thereof a new sentence, as follows: "Notwithstanding any other provision of law, funds appropriated for purposes of land acquisition pursuant to section 205 of this Act may not be expended for any other purpose.".

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

Thee was no objection.

The CHAIRMAN pro tempore. Are there amendments to the committee amendment?

AMENDMENT OFFERED BY MR. HANSEN TO THE COMMITTEE AMENDMENT

Mr. HANSEN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN to the committee amendment: Strike Section 206 of the bill as reported, and in lieu thereof insert the following:

SEC. 206 MILITARY ACTIVITIES.

(a) STATE AGENCIES.—Section 320(b) of the Act (43 U.S.C. 1732(b)) is amended by inserting "or the military department (or its equivalent) of any State" after "Federal departments and agencies".

(b) MILITARY USES.—Section 302 of the Act (43 U.S.C. 1732), as amended, is further amended by the addition at the end thereof of a new subsection, as follows:

"(e) STATE MILITARY USES.—(1) After consultation with the Governor of a State, the Secretary may agree to permit use of public lands within such State by the military department (or its equivalent) equipment testing, or other authorized military activities, in accordance with the provisions of this subsection.

"(2)(A) For activities the Secretary finds are not likely to result in a significant degree of residual contamination of affected lands (through use of explosive projectiles or otherwise), the Secretary may issue a general authorization for the military department (or its equivalent) of one of more States to use public lands where such use would not be inconsistent with the land-use plans prepared pursuant to section 202 of this Act. Any such general authorization shall be for no more than 3 years but may thereafter be renewed for additional periods of no more than 3 years each. The provisions of paragraph (4) of this subsection shall apply to use of public lands pursuant to an authorization issued under this paragraph, and the Secretary may wholly or partially revoke any such authorization at any time if the Secretary finds that there has been a failure to comply with its terms and conditions or that activities pursuant to such an authorization have had or may have a significant adverse impact on the resources or value of the affected lands.

"(B) An authorization pursuant to this paragraph shall not authorize the construction of permanent structures or facilities on the public lands.

"(C) Each specific use of a particular area of public lands pursuant to a general authorization under this paragraph shall be subject to specific authorization by the Secretary and to appropriate terms and conditions, including such as are described in paragraph (4) of this subsection.

"(3) The Secretary may permit the military department (or its equivalent) of one or more States to use public lands for military activities the Secretary finds would result in a significant degree of residual contamination of such lands, subject to the provisions of paragraph (4) of this subsection, but only to the extent that—

"(A) use of specific portions of such lands for such purposes was either authorized as of July 1, 1989 or had been permitted to occur on or after January 1, 1986, in which case such uses on such portions may take place, subject to paragraph (4) of this subsection; or

"(B) use of public or other lands previously withdrawn or otherwise dedicated to military uses is found by the Secretary (after consultation with the Secretary of Defense) to not be practicable, and therefore additional public lands other than those portions described in subparagraph (A) are withdrawn for military purposes, pursuant to Section 204 of this Act (with respect to areas of no more than 10,000 acres) or pursuant to an Act of Congress (with respect to areas exceeding 10,000 acres, except that in time of war or national emergency declared by the Congress or the President pursuant to applicable law, withdrawals of areas exceeding 10,000 acres for military purposes may be made pursuant to Section 204 of this Act.)

"(4) The Secretary may waive rental charges for the use of public land (however such use may be authorized) by a State military department (or its equivalent) for military training, equipment testing, and other authorized military activities permitted under this subsection. Each such use shall be subject to a requirement that the using department, or departments, be responsible for such timely cleanup and decontamination of the lands used, and to such other terms and conditions (including but not limited to restrictions on use of off-road or all-terrain vehicles), as the Secretary, after considering national defense needs, may require to:

"(A) minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values, including fish and wildlife habitat, of the public lands involved; and

"(B) minimize the period and method of such use and the interference with or restrictions on other uses of the public lands involved.

"(5) Each State military department (or its equivalent) using public lands withdrawn for military purposes shall take appropriate precautions to prevent and suppress range and brush fires caused by or resulting from use of such lands for such purposes, and shall promptly reimburse the United States for any assistance provided by the Secretary in the prevention or suppression of such fires.

"(6) For purposes of this subsection, the term "State" means one of the several States, the District of Columiba, or one of the Commonwealths or territories of the United States.

"(7) Public lands covered by an authorization issued pursuant to paragraph (2) of this subsection may be used by personnel of the military department (or its equivalent) of a State during periods when some or all of such personnel are on active duty in the service of the United States, and during periods of use by personnel of such department or equivalent the Secretary may also permit such lands to be used by members of one or more U.S. armed forces on active service, under the same terms and conditions applicable to use of such lands by the personnel of such department or its equivalent.

"(8) Any authorization by the Secretary for the military department (or its equivalent) of any State or States to use public lands that is in effect on the date of enactment of this subsection shall remain in effect until its scheduled expiration, or for one year after the date of enactment of this subsection, whichever is later."

(c) CONFORMING AMENDMENT—paragraph (6) of section 302 (d) of the Act is hereby repealed.

(d) REPORT.—No later than one year after the date of enactment of this subsection, the Secretary concerned shall transmit to the committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report indicating the extent to which the Department of Defense (or military department therein) and the military departments (or their equivalents) of the several States (including the District of Columbia and the Commonwealths and territories of the United States) have been authorized since January 1, 1987, to utilize public lands as defined in Section 103 of the Federal Land Policy and Management Act of 1976 (other than lands withdrawn for military purposes) or National Forest lands for training or other purposes and concerning the terms and conditions under which such lands may be used by such agencies

(e) The Secretary of Defense may reimburse a State military department (or its equivalent) for costs to such department re-

sulting from any requirement of this section (including amendments made to the Act by this section) and incident to any use of lands by a National Guard of a State or by U.S. armed forces for purposes authorized by title 10 or title 32, United States Code, or by any other provision of federal law.

Mr. HANSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 1520

Mr. HANSEN. Mr. Chairman, at the suggestion of the National Guard Bureau, I have introduced this amendment to the Committee bill which is being considered here today. Before I explain my amendment, I would like to insert into the RECORD a copy of the July 14, 1989 letter I received from Lt. Gen. Herbert R. Temple, Jr., U.S. Army Chief, National Guard Bureau, expressing his support for this language:

DEPARTMENTS OF THE ARMY AND THE AIR FORCE, NATIONAL GUARD BUREAU,

Washington, DC, July 11, 1989.

HON. JAMES V. HANSEN,

House of Representatives, Rayburn Building, Washington, DC.

DEAR MR. HANSEN: As requested, I have reviewed the proposed amendment to Section 206 of H.R. 828 which I understand you intend to offer during floor consideration of that bill. The amendment alleviates the concerns I expressed in my letter to you of June 14, 1989 regarding Section 206 by providing an explicit authority for short term authorization for use of Federal lands by the National Guard for training and other purposes and by "grandfathering" uses which have been authorized in the recent past.

I understand that the amendment you intend to propose is the July 12 draft provided to my staff, modified to permit withdrawals by the National Guard without an Act of Congress for areas up to 10,000 acres, and with a provision added to clearly authorize Department of Defense reimbursement of a National Guard of a State for costs resulting from requirements of the new section of the Federal Land Policy and Management Act.

I believe the amendment would be further improved by an explicit requirement that the Secretary of the Interior take into consideration national defense needs in establishing terms and conditions for military uses as provided by subsection (e)(4) as added by the amendment, to assure reasonable interpretation in potential judicial challenges to the sufficiency of the Secretary's actions under this section to minimize adverse impacts and interferences with other uses.

The provisions of Section 206 as reported by the Interior and Insular Affairs Committee would have a serious and unacceptable detrimental effect on National Guard training. The National Guard Bureau considers your amendment an acceptable substitute for that section.

Time has not permitted the coordination of these views within the Department of Defense or securing advice from the Office of Management and Budget as to the relation of the proposed legislation to the program of the President.

I appreciate your interest and efforts in this matter.

Sincerely,

HERBERT R. TEMPLE, Jr.,

Lieutenant General, U.S. Army, Chief, National Guard Bureau.

Section 206 of the bill addresses the terms and conditions under which the various National Guard units can use public lands managed by the Bureau of Land Management for military training and other military activities.

Existing law restricts the authority of the BLM to permit Federal military agencies to use BLM lands. Essentially, there are only two ways for this to occur: through the grant of a right-of-way or through a withdrawal. Withdrawals up to 5,000 acres can be made administratively; under the Engle Act a military withdrawal in excess of 5,000 acres requires an Act of Congress.

It has been held that these restrictions do not apply to the National Guard, because the guard units are State agencies, not Federal agencies.

The bill as reported from the Interior Committee would place the Guard units on the same footing as the regular armed forces, as far as use of BLM lands is concerned, except that areas that are now used would be "grandfathered" so that use of those areas could continue.

This amendment reflects the fact that the National Guard units are different from the regular forces, and would provide them with greater flexibility than the regular forces have.

The amendment would permit the BLM to allow National Guard units to use public lands not previously used for military purposes, subject to reasonable restrictions that would balance the need for the military activities with the need to protect the resources and values of the lands involved.

The amendment reflects the fact that many National Guard activities are not the kind that will result in significant residual contamination of the lands involved. For activities of that kind, the Interior Department could issue a general authorization, for a period of up to 3 years—and that could be renewed. There would be no specific acreage limit on this, so that National Guard needs could be fully accommodated.

In those relatively limited instances in which there was a need for using new BLM lands for National Guard activities likely to result in significant residual contamination—because use of existing areas dedicated to military purposes is not practicable, the method of authorization would depend on the size of the area needed. If no more than 10,000 acres were required, there could be an administrative withdrawal; for a greater area an act of Congress would be required.

The amendment specifically addresses the needs of National Guard units to conduct exercises involving personnel from more than one State and involving some regular forces personnel as well. It also includes a transition rule, so that existing permits or other authorizations would not expire automatically upon enactment.

The amendment would clarify existing law concerning the ability of the Defense Department to reimburse National Guard units for the costs associated with use of public lands for training and other activities directly related to the Guard's role in the overall national defense.

And, like the bill as reported by the Committee, the amendment would require a report to Congress concerning the nature and extent of the use by National Guard units of Federal lands for training and for other purposes.

A more detailed discussion of the provisions of the amendment follows:

The amendment would revise section 206 of the bill. The revised section would make two changes in the Federal Land Policy and Management Act of 1976 [FLPMA]. First, it would amend section 302(b) to clearly place State military departments under that section's overall provisions relating to use of public lands by agencies other than the Department of the Interior.

Second, a new subsection (e) would be added to section 302 of FLPMA, dealing solely with conditions for use of public lands by State military agencies. Paragraph (1) of this new subsection would explicitly authorize the Secretary of the Interior to permit State military departments to use public lands for military training, equipment testing, or other authorized military activities.

Paragraph (2) addresses use of public lands for National Guard military purposes that the Secretary of the Interior finds would not be likely to result in significant residual contamination of the affected lands—that is, contamination remaining after the end of the exercise and any concomitant cleanup of the area. For such activities, a general authorization could be issued for such activities on any BLM lands where that would not be inconsistent with BLM's land-use plans. A general authorization could remain in effect for up to 3 years, and could be renewed thereafter. The conditions of paragraph (4) would apply to activities carried out under such a general authorization. No acreage limitation would be specified for a general authorization, but each specific use of a particular area of public lands would be subject to a specific authorization, and a general authorization could not

authorize the construction of permanent facilities or structures.

Paragraph (3) would apply to National Guard activities that the Secretary of the Interior finds would result in significant residual contamination of affected lands. Such activities could continue—subject to paragraph (4)—on lands where such uses had occurred on or after January 1, 1986 or where such uses were authorized—even if they had not yet occurred—on July 1, 1989. To carry out such activities on other public lands, the National Guard would have to obtain a determination of the Secretary of the Interior—who would consult with the Secretary of Defense—that it would be impracticable to use other areas already allocated for military purposes; if that determination is made, the Secretary of the Interior could withdraw—pursuant to section 204 of FLPMA—up to 10,000 acres for use by the National Guard; for any acreage over 10,000, the Guard would have to seek an act of Congress.

Paragraph (4) would apply to all use of public lands by a National Guard unit. It would permit the Secretary of the Interior to waive rental charges for such use. It would also require that lands used be cleaned up and decontaminated in a timely fashion and that the use be subject to terms and conditions prescribed by the Secretary of the Interior in order to minimize adverse impacts on the resources and values of the affected lands and to minimize interference with other uses of the affected lands.

Paragraph (5) would require the National Guard units using public lands to take appropriate steps to prevent and suppress fires caused by their activities. Paragraph (6) would provide a definition of the term "State"; paragraph (7) would specify that public lands where National Guard activities were authorized can be used by Guard personnel at times they are on active duty with the Federal forces, and also by Federal personnel taking part in joining activities with personnel of Guard units; and paragraph (8) provides a transition period.

The amendment would retain the provisions of section 206 of the bill as reported calling for a report on the nature and extent of National Guard use of Federal lands, and would add a new, freestanding provision that would authorize the Defense Department to reimburse National Guard units for costs associated with use of public lands by those units.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN] for the thorough explanation of his amendment. It has, and I think the gentleman has done a service for the committee and in terms of working on this, and I appreciate his cooperation. As we said in the full committee, we would work together on the amendment. I am familiar with the, obviously, the specifics of it. I think this is an important amendment that is workable. It provides for, as we had in the committee print from the beginning, the exemption for the birds of prey area in Idaho, which is so important to our colleague, the gentleman from Idaho [Mr. CRAIG], which is an issue that he has worked on, and others.

Mr. Chairman, I think this addresses most of the concerns that were raised, and I appreciate the cooperation of the gentleman from Utah [Mr. HANSEN] in working out this amendment with the committee, and the committee staff and the chairman.

So, I certainly am willing to accept the amendment. I know of no opposition to it. I appreciate the cooperation of the gentleman from Utah [Mr. HANSEN].

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I support the amendment.

The CHAIRMAN pro tempore (Mr. WISE). The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN] to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. DE FAZIO TO THE COMMITTEE AMENDMENT

Mr. DEFAZIO. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO to the committee amendment. At an appropriate place in the bill, add the following new section:

SEC. . EXEMPTION FROM STRICT LIABILITY.

Section 504(h) of the Act (43 U.S.C. 1764(h)) is amended by adding at the end thereof the following new paragraph:

"(3) No regulation shall impose liability without fault with respect to a right-of-way granted, issued, or renewed under this Act to a non-profit entity or an entity qualified for financing under the Rural Electrification Act of 1936, as amended, if such entity uses such right-of-way for the delivery of electricity to parties having an equity interest in such entity. However, the Secretary may condition the grant, issuance, or renewal of a right-of-way to such entity for such purpose on the provision by such entity of a bond or other appropriate security, pursuant to subsection (i) of this section.".

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I offer this amendment to H.R. 828 to provide REA-financed, and member-owned cooperatives, whose electricity distribution lines cross Federal lands, relief from the strict liability requirements of FLPMA. This amendment only pertains to cooperatives for service to their members.

Until 1980 nonprofit rural electric cooperatives were exempted from strict liability requirements. Forest Service regulations now require such liability for up to $1 million as new rights of way are granted and old ones renewed. REA-financed and member-owned cooperatives are concerned that their insurability for these electric lines cannot be guaranteed. Imposition of strict liability could jeopardize both their members' equity in their utility and the government's security for loans made in accordance with the Rural Electrification Act.

This is a fairness issue. Member-owned cooperatives are not requesting relief from their responsibility. The REA's will continue to pay all fire suppression and other costs associated resulting from negligence. Imposing strict liability on co-ops whose lines cross Federal land makes the cooperative responsible, in part, for covering fire suppression and other costs that should be the responsibility of the Federal Government.

The cooperatives exempted by this provision average less than five consumers per mile, and collect less than $5,600 per mile of revenue. By comparison, for profit utilities count 31 consumers per mile and average $45,000 in revenue per mile each year. It is consistent with our long-established policy to encourage these cooperatives to extend and maintain reliable electricity service to farflung rural families.

The cooperatives in my State have faced mounting difficulties in obtaining insurance to cover their liability. Should insurance be canceled, as it has before, for strict liability the REA's will be forced to deenergize lines or face the prospect of paying catastrophic suppression costs for fires not of their doing. Small, member-owned cooperatives simply cannot bear that expense.

I thank my colleagues for their consideration of this amendment and my subcommittee chairman, the gentleman from Minnesota, for his acceptance of it. I urge its adoption.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman from Oregon [Mr. DEFAZIO] yielding, and I rise to voice my support for the amendment.

Mr. Chairman, I received a letter from Bob Bergland, the National

Rural Electric Cooperative Association executive vice president, and he explains the problem briefly in the letter. This was brought to the attention at the full committee level, and there has been adequate time for staff to review the implications of the amendment and the liability without fault problems that have arisen. Strict liability obviously creates some situations over which the not-for-profit or REA's would be significantly handicapped in the process of trying to accomplish their goals. So, I think this amendment is an answer. It is carefully drawn. It is drafted, I think, appropriately, and I commend the gentleman from Oregon [Mr. DEFAZIO] for his work and others that worked on this, the gentleman from Oregon [Mr. ROBERT F. SMITH] as well as the author of this amendment, the gentleman from Oregon [Mr. DEFAZIO].

Mr. Chairman, I include the letter mentioned above:

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, DC, July 14, 1989.

Hon. BRUCE F. VENTO,
Chairman, Subcommittee on National Parks and Public Lands, U.S. House of Representatives, Washington, DC.

DEAR BRUCE: During House floor action on H.R. 828, a bill to reauthorize the BLM is expected early next week, Congressman Peter DeFazio (D.-Ore.) will offer an amendment dealing with the liability provisions of the Federal Land Policy and Management Act (FLPMA) on rights-of-way across federal lands. I urge your support for the DeFazio provision.

The Forest Service, using the authority provided in FLPMA, is renegotiating easements for electric service to include "strict liability" for fire suppression cost recovery for fires that originate on electric service easements, regardless of what actions may have caused the fires. Thus, the Forest Service determines how wide the rights-of-way can be. It determines how the rights-of-way can be maintained. And, it can assess fire suppression costs up to $1 million without regard to what caused the fire.

The DeFazio provision would require that rural electric cooperatives pay costs when the co-op's practices are the cause of a hazard.

Again, I urge your support for the DeFazio provision.

Sincerely,

BOB BERGLAND,
Executive Vice President.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the gentleman from Oregon [Mr. DEFAZIO] for yielding, and I rise in support of this very worthy amendment. I raised this issue before in committee with respect to the possible amendment on this bill. We had all been interested in this issue for quite a long time. A free-standing bill was even suggested. And yet it was appropriate to try to amend the bill and reauthorization bill with this amendment. So, I thank the chairman for recognizing this very important issue and my colleague, the gentleman from Oregon [Mr. DEFAZIO] for introducing it and allowing me only to speak on it.

Mr. Chairman, I think the idea, of course, is obvious. Many of the small co-ops are faced with huge liability problems from their rights-of-way across public lands up to $1 million. Many of them are small enough that that means a rate increase to their users, and it seems wrong that cooperatives must bear all the liability for that small a corridor despite who is the cause of the problem, be it fire or other situations.

So this by no means relieves cooperatives of their responsibility for those rights-of-way, if they are the cause of the problem. It does, however, spread the question of liability to others.

Mr. Chairman, I just want to close with a statement that by no means does this relieve the responsibility of the co-ops, but it only provides that they are responsible for their own cause liability, not others who may cause fire or other kinds of situations.

So this is a much needed important amendment, and I thank my colleague, the gentleman from Oregon, for introducing it.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by my friend, the gentleman from Oregon [Mr. DEFAZIO].

I think it is a good amendment. It simply says that no regulation shall impose liability without fault. I think it is time that we recognize that.

The gentleman has done a good job coming up with the amendment, drafting the amendment, and I appreciate his support for the rural electrics.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON TO THE COMMITTEE AMENDMENT

Mr. RICHARDSON. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON to the committee amendment: Page 2, after line 5 insert:

SEC. 2. NEW MEXICO LANDS.

(a) NEW MEXICO PUBLIC PURPOSE LANDS.—

(1) TREATMENT OF LAND.—The tract of land described in paragraph (2) shall be treated as public land for the purposes of the Act of June 14, 1926 (43 U.S.C. 869 et seq.; commonly known as the "Recreation and Public Purposes Act").

(2) LAND DESCRIPTION.—The land referred to in paragraph (1) is approximately 5 acres of the Sebastian Martin Land Grant near Los Luceros, New Mexico, as generally depicted on the map entitled "Onate Memorial Map" and dated July 1989.

(b) RECREATION ON SANTA CRUZ LAKE.—The Secretary of the Interior acting through the Bureau of Land Management shall permit, until July 1, 1990, any person providing public recreational and related services on public lands covered by the July 14, 1926 right-of-way granted to the Santa Cruz Irrigation District of New Mexico to continue to provide such services on the same terms and conditions as such services were provided on June 30, 1989.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, this amendment simply removes a technical obstacle to the consideration by the Secretary of a transfer, under the Recreation and Public Purposes Act, of the surface estate on 5 acres of BLM land to Rio Arriba County in New Mexico.

Rio Arriba County, which is largely Hispanic, wishes to erect a monument to a Spanish explorer, Don Juan Onate, on BLM land near the site where Onate's expedition established the first Euorpean settlement in what is now the United States.

The BLM State director has informed me that such a transfer cannot be done administratively, under the Recreation and Public Purposes Act, because the land is "Bankhead-Jones" land which is not "public land" for purposes of the act.

My amendment simply says that this 5 acres of BLM land should be treated as public land for purposes of the Recreation and Public Purposes Act. This will give the Secretary the discretion to consider an application of the county for these 5 acres.

It does not transfer the land but merely removes a technical obstacle to consideration of an administrative transfer.

The second section of my amendment pertains to a question on the extent of a right-of-way between the Bureau of Land Management and the Santa Cruz Irrigation District of New Mexico.

My amendment simply preserves the status quo for 1 year allowing time for the Bureau of Land Management and the Santa Cruz Irrigation District to work out an agreement amenable to all.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman sharing this amendment with me and working out the specifics of it. These are small

issues. One will, of course, put this within the purview, as many of these are, of the Recreational and Public Purposes Act. The other will provide an additional year to work out and negotiate the right-of-way of the issue that the gentleman has spoken of with regard to Santa Cruz Lake.

I know of no objection to this amendment, and therefore I am willing to accept and support the gentleman's amendment.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, this side of the aisle has no opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier I had not commented on the general amendment. There was some discussion about the length of hearings and so forth that occurred. I just wanted to place in the RECORD a statement pointing out that we have had extensive hearings. We had hearings on the two grazing bills, one offered by the gentleman from Georgia [Mr. DARDEN] and one by the gentleman from Montana [Mr. MARLENEE], as well as the basic BLM authorization bill, which has been pointed out was a 10-line bill; but I think that we have had hearings both in this Congress and in the last Congress on issues with regard to riparian areas and other management concerns with regard to the BLM, plus, of course, with regard to oversight in terms of the budget issues for the last few years. We have had hearings each year and separately had the Director of the BLM come before the subcommittee.

While I think it is always advantageous to have additional hearings, by and large all the issues that are in this bill were directly discussed in those hearings. There was time for Members to review the hearing record if they had sought to.

It is with some regret that I hear Members voice concern that there was not adequate hearings on some aspects of this legislation, but I want to assure the Members that generally there is another side to the description than had been referred to earlier, so I will include my additional remarks at this point describing the basic underlying title II amendment.

Mr. Chairman, this committee amendment is the package of revisions of the Federal Land Policy and Management Act of 1976 [or FLPMA] that were adopted during the subcommittee's/committee consideration of H.R. 828.

I have generally described the amendment during general debate, so I will at this time only add that each of the provisions contained in the amendment is based directly on testimony received in hearings by the Subcommittee on National Parks and Public Lands.

Most recently, testimony dealing with each of the matters contained in the committee amendment was received on April 11 of this year, when a hearing was held on H.R. 828 itself. For example, we heard from the public lands foundation concerning the question of political appointments in the Bureau of Land Management, and from a variety of other groups concerning the other matters addressed by the amendment.

In addition, the committee is no newcomer to the subject of FLPMA and the Bureau of Land Management. Each year, oversight hearings on BLM's budget are held, as part of the regular budget process. Further, last year's 100th Congress we held oversight hearings on two important GAO reports concerning the manner in which the BLM manages the vital riparian areas of the public lands. And in 1987, exhaustive hearings were held on the general subject of grazing fees and range management, at which such matters as subleasing, management of riparian areas, and the like were discussed at length.

So, Mr. Chairman, our committee—which produced FLPMA in the first place—has drawn on a wealth of information in developing the committee amendment to H.R. 828, an amendment which deserves the approval of the House.

AMENDMENT OFFERED BY MR. DARDEN TO THE COMMITTEE AMENDMENT

Mr. DARDEN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DARDEN to the committee amendment: At the end of the committee amendment, add the following new section:

SEC. . PROHIBITION OF SUBLEASING.

Section 402 of the Act (43 U.S.C. 1752) is amended by adding at the end thereof the following new subsection:

"(i) PROHIBITION OF SUBLEASING.—(1) Subleasing is hereby prohibited.

(2) For purposes of this subsection the following terms shall have the following meanings:

(A) "subleasing" means the grazing on public lands or on National Forest lands covered by a grazing permit of domestic livestock which are not both owned and controlled by the holder of the grazing permit.

(B) "grazing permit" means a permit or lease of the type described in subsection (a) of this section which has been issued by the Secretary concerned pursuant to applicable law.

(3) The Secretary concerned shall require each holder of a grazing permit to annually file an affidavit that such holder owns and controls all livestock which such holder is knowingly allowing to graze on public lands or National Forest lands covered by such holder's grazing permit.

(4) A grazing permit shall terminate 30 days after the effective date of any lease, conveyance, transfer, or other action which has the effect of removing the privately owned property or part thereof with respect to which a grazing permit was issued from the control of the holder of such permit, and no grazing pursuant to such permit shall be permitted after such termination.

(5) Any holder of a grazing permit who knowingly allows subleasing to occur on public lands or National Forest lands covered by such permit shall forefeit to the United States the dollar equivalent of any value in excess of the grazing fee paid or payable to the United States with respect to such permit, shall be disqualified from further exercise of any rights or privileges conferred by that permit or any other such permit, and shall be subject to the penalties specified in section 303 of this Act.

(6) Any person other than the holder of a grazing permit who knowingly engages in subleasing shall be subject to the penalties specified in section 303 of this Act.

Mr. DARDEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DARDEN. Mr. Chairman, my amendment addresses, I guess, one of the most difficult and one of the most controversial issues relating to the authorization of the Bureau of Land Management, and that is the issue of grazing fees.

Mr. Chairman, I have been somewhat critical of BLM policies in the past because I believe that the figure of $1.86 per animal unit per month is not proper and ought to be set at market rates, as the Grace Commission has recommended; however, I do not bring the amendment at this time for that purpose, but merely to close a loophole and find ground upon which we can all agree, and that is to state once and for all that we will close the loophole and declare once and for all the practice of subleasing to illegal. I think Republicans and Democrats, liberals and conservatives, can all agree that this is a practice which ought to be specifically prohibited by law.

Mr. Chairman, my amendment closes a loophole that hinders the Bureau of Land Management's ability to effectively police subleasing of grazing allotments.

Of course, subleasing of grazing permits is illegal, but existing regulations say that livestock using land covered by a grazing permit must be either "owned" or "controlled" by the permit

holder. So, in other words, livestock owned by another party can be grazed under a permit, so long as they are controlled by the holder of the permit. This is an invitation for abuse, because it allows grazing permit holders to sublease their permits for profit by controlling other people's livestock on public lands.

Mr. Chairman, my amendment would close that loophole by requiring that livestock being grazed on lands covered by a grazing permit be both owned and controlled by the holder of the permit.

This amendment would also permanently enact the forfeiture-of-profits provisions that have been in recent appropriations acts, as a penalty for subleasing.

In other words, if you profiteer by subleasing lands at a rate higher than that provided by the Government, then that amount of money is forfeited to the Government.

It would also stiffen those penalties by adding an automatic cancellation of the subleased permit and a disqualification that would prevent a permit holder guilty of subleasing from grazing under that or any other permit.

Mr. Chairman, I was very pleased to note that the new Director of the Bureau of Land Management, Cy Jamison, who is a very able minority staff member of our committee, has gone on record with his commitment to pursue those who engage in subleasing of grazing permits. My amendment would bolster the BLM's authority in stopping this illegal practice.

I would also point out, Mr. Chairman, that in no way am I attempting to reduce or in any way limit the right of any individual to sublease or sublet private lands or private interests.

□ 1540

If there is any clarification needed to make this point, I certainly have no objection to that, but, again, what I am seeking to do by this amendment is to eliminate profiteering by leasing lands from the Government at $1.86 per animal unit per month and subleasing those to another individual for as high as $5, $10, and even $12. The Federal Government should not be used as a way to profiteer and to make money off of the use of our public lands, and that is merely what I am trying to do by this amendment.

Mr. Chairman, I think this is a good amendment. I think it ought to be adopted overwhelmingly by the House, and I thank the chairman of the subcommittee for his support.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's work on this. He has labored long and hard.

Obviously there are some other basic policy concerns addressed in this amendment. This amendment, as I understand it, does not change the basic law regarding grazing permits. To obtain a permit, a person must own or control base property, private land, and now a permit terminates as much as a year after the control of that base property is transferred. This is a loophole, because it invites phony or sham transfers in which the sale price is really a form of payment for use of the grazing permit; that is, of course, it would be subleasing by any other name.

Also, requiring the livestock graze and the permit to be both owned and controlled by the permit holder merely closes a loophole that now allows the permit holder to charge a fee for controlling livestock owned by someone else, and that fee is also a form of subleasing under another name.

The provision for repayment in the gentleman's amendment to the United States for subleasing profits merely puts into statutory form language that has been in a number of appropriation acts and probably should be part of the basic organic law in FLPMA, so I commend the gentleman for his work on this.

Mr. Chairman, I rise in support of this. It merely states what is the basic law and eliminates what is a basic loophole. I think the gentleman has done good work in terms of this effort.

Mr. DARDEN. Mr. Chairman, that completes my statement.

I yield back the remainder of my time.

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the amendment, although it is not violent opposition to the amendment, and I would ask the gentleman, my friend and colleague from Georgia, to answer a couple of questions if he might.

He has always been a very reasonable colleague of mine, and I find his approach appealing and somewhat reasonable. None of us condone profiteering at the expense of the U.S. Government, and I think his approach is sincere in trying to stop that profiteering.

Let me ask the gentleman this question: If we had a husband and a wife and the husband died of a heart attack and the wife was left with the total property, the private base property plus the lease property, and the son was off in the military service, for instance, and she decided that she needed or that they had to dispose of the livestock on the whole operation to pay off the inheritance tax or whatever debts they might have, maybe the Federal land bank, which could happen nowadays, but they needed to hang on to that property until the son got back to the operation and they could find some way to lease that base property to an outside individual but that base property encompassed in a checkerboard fashion all of that land that included the BLM land, would it be the gentleman's intention to prohibit her from re-leasing that whole operation? We are not talking about a profit. We are talking about just a matter of hanging on to it.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I thank the gentleman for his question, and I would like to answer that question.

I will answer the question in the following way: First of all, it is my interpretation of my amendment that in this event after 30 days, it would become necessary, if the land, the base land, were subleased, that the lessee would have to obtain a separate permit from BLM. In other words, if a person does acquire an interest in the property, the private base property, then that person need only go to BLM and get a grazing permit to the adjacent or the contiguous lands sought to be leased from BLM.

We all know, of course, that there is no right of an individual in a grazing permit, and it only goes to that specific individual. It is not a property right in the sense of a fee type of estate. So that person who subleases the private lands, the base lands, could merely go to BLM and say, "I have the base lands under sublease, and now I would like a permit," and that is what would be permitted under my amendment.

Mr. MARLENEE. The gentleman would allow the individual lessee the opportunity to acquire by lease that private property and to acquire some kind of an instrument of lease from the BLM?

Mr. DARDEN. If the gentleman would yield further, absolutely, because there is nothing in my amendment, and there is nothing this Congress can do, and this Congress does not have the power in any way to, in any way restrict a private individual's rights to lease his or her own property.

When it comes to a right to lease with the Government, that is a different story. After 30 days, if there is a sublease of the private property which is the basis for it, then the lessee would have to go to the Government to seek a permit in that permit holder's own name.

Mr. MARLENEE. I would think that the gentleman would intend that the individual who leased the base property would have some kind of a priority in obtaining the public lease.

Mr. DARDEN. If the gentleman would continue to yield, the law already provides that priority, and my amendment would not affect that at

all. This priority that this sublessee would have would continue in the law as it is today. This would merely say though that whoever leases and uses and owns and controls the land is the person who has to have the permit from the BLM.

Mr. MARLENEE. The gentleman from Georgia perhaps does not understand the land problems that we have in the West.

The CHAIRMAN pro tempore (Mr. WISE). The time of the gentleman from Montana [Mr. MARLENEE] has expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, with the land patterns in the West being checkerboard and with some vast holdings, it is almost indistinguishable sometimes and impossible to separate out the public land both from terrain and from the fact that they use the same water sources, et cetera, from the private land, and so I assume it is not the intention of the gentleman to create a hardship but simply to stop profiteering at the expense of the Government?

Mr. DARDEN. If the gentleman will continue to yield, the gentleman is absolutely correct. That is my intention, and that is my only intention, to prevent profiteering by someone who would obtain a permit, a Federal grazing permit, at the cost of $1.80 per animal unit per month, turn around and sublease it to someone for $5, $10, even $15 per animal unit per month. It is only that very narrow group of individuals that we are trying to reach, and I say this very carefully. It is not my intention, nor do I believe in any way will affect the rights of anyone other than the person who is seeking to sublease.

Mr. MARLENEE. If the gentleman will answer a question, then, if we find at some later point that we have put a hardship upon those people who have operations that entail both public and private land, that the gentleman would assist me in coming back to correct the problem, the gentleman being a reasonable, reasonable Congressman, and I would assume he would do this.

Mr. DARDEN. I certainly would, to my good friend from Montana, certainly, and if it were demonstrated before this matter goes to conference, I would like to personally assist in correcting any type of hardship that might occur. Our point and our purpose is not to create a hardship but merely to eliminate the potential for profiteering at Government expense.

Mr. MARLENEE. Perhaps the gentleman and I could sit down before we go to conference and evaluate the impact of this, because we have not had hearings on this bill on that particular matter.

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 30 additional seconds.)

□ 1550

Mr. MARLENEE. In defense of the BLM and the supposition that there is a lot of abuse, in 1985 the BLM was directed to address the subleasing problem. Out of 12,000 permittees, the BLM office found that there were 18 violations.

So although this legislation may be needed and I think the intention is good, I think the abuses have received far more publicity than there are actual abuses.

The CHAIRMAN pro tempore. (Mr. WISE). The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 30 additional seconds.)

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Georgia.

Mr. DARDEN. This is perhaps one area in which there is substantial conflict of opinion. I cite to the gentleman the article of Tuesday, May 23 in the Los Angeles Times stating that the practice is widespread. I cannot verify that or not, but I will say that the practice is illegal and we ought to do everything we can in our power to eliminate it.

I thank the gentleman for yielding.

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the requisite number of words and I rise with concern for the amendment. I share the concerns of my colleague from Montana.

First of all, I am not aware of this being a widespread problem. On the contrary, I think it is a problem that seldom occurs.

I simply want to point out that for the most part, at least in my State of Wyoming, these BLM lands were residual lands that were left after the claims times, and the basic land was improved upon, and they depend on the private land and base and the water there, and it would be very difficult many times to separate these basic lands from the leased lands.

So I of course support the notion that there should not be profiteering, but I want to raise the point and point out as well that I am concerned and I would like to visit with the gentleman from Georgia as well to make sure that we do not take away private rights that have been incurred by these owners with respect to these lands.

Mr. SYNAR. Mr. Chairman, I move to strike the requisite number of words.

As I did in the opening debate, I rise in strong support of the amendment of the gentleman from Georgia. But if I could get the attention of the gentleman from Montana [Mr. MARLENEE] I would like to ask him a couple of questions if I could because I found his debate very interesting.

Is my understanding correct that the gentleman from Montana is opposing this amendment at this time or that he has expressed a concern?

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I am expressing concern about the amendment and the impact it would have on the operations of well-intentioned people out there who had really no intention of profiteering at the expense of the Government. That is the concern I have with the amendment.

Mr. SYNAR. If I could ask the gentleman some questions, maybe we can clear this up and get to the essence of the amendment.

The gentleman from Montana does agree that subleasing is illegal presently under the present BLM law?

Mr. MARLENEE. Under most conditions, yes.

Mr. SYNAR. And the gentleman does agree that the BLM new Director, Cy Jameson, said he would like to enforce this illegality? In other words, stop this subleasing; is the gentleman aware of that?

Mr. MARLENEE. I cannot speak for the new Director of the BLM.

Mr. SYNAR. Is the gentleman aware also that the Los Angeles Times recently reported that a lot of the acreages which were being leased for $1.86 per AMU have been subleased for anywhere from $8 to $12, and there have been abuses in the 46,000 allotments of over 1,000 allotments being subleased at much higher prices than the original lease?

Mr. MARLENEE. If the gentleman from Oklahoma is asking me a question about the extent, I can only refer to the study that was done that showed there were 18 out of 12,000 that may have been not legal.

Mr. SYNAR. The gentleman will also agree, will he not, that there has been a lack of resources at the BLM?

Mr. MARLENEE. I did not agree to the last one.

Mr. SYNAR. Will the gentleman agree there has been a lack of resources at the BLM and personnel for the last 8 years?

Mr. MARLENEE. No; I do not think so. I will not agree with that.

Mr. SYNAR. Reclaiming my time, I think what the gentleman from Georgia is trying to do is offer a very simple amendment for all of my colleagues watching on TV and other Americans listening nationwide, what

we are trying to do here is say this, very simply, that U.S. taxpayers and we as Members of Congress who are responsible for that taxpayer's trust have a responsibility to make sure that we get at least fair market value for the lands which we are leasing out to people. If we cannot do that, then at the minimum we cannot allow those people who are not paying the fair market value to then take that land and sell it for a profit.

That seems like simple, common sense. It seems like fairness to the taxpayers.

What the gentleman from Georgia is trying to do is simply close a loophole which the new BLM Director has already said he wants to enforce. I would hope that we could get the Republicans and the Democrats to agree on this, because I think it is a good message, I think it is a message that we who are in the West, and I think as ranchers feel it is only fair to all cattlemen and all ranchers throughout this country, and it is a good message to the taxpayers that we are going to protect their money.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to again commend the chairman of the subcommittee, as I did on the last measure before this committee, for his leadership in bringing this bill before us today, and for his leadership on both of the measures that have come before the House today. The work that the subcommittee has done on these measures is laudatory, and the leadership of the chairman is particularly exemplary.

I also rise in support of the amendment of the gentleman from Georgia. It is an important amendment, it is a good amendment, and I am pleased to hear the debate that we have had on the House floor. I think that it spells out very clearly just what the gentleman's intent is, and I hope that we will find that there is a consensus on both sides of the aisle, as there ought to be, in support of this amendment.

There is a related issue that does not bear precisely on the point of the amendment before the House, but that is very important to this general issue and to this bill which I would like to raise for the record and spell out my concern about, and that is my concern about the disturbing trend in the management of our Nation's public land resources. The Bureau of Land Management statistics show that only one-fourth of the livestock grazing allotments on public lands today are in good condition. Nonetheless, the General Accounting Office has reported, "Despite this generally unsatisfactory condition, a significant portion of grazing allotments continue to be overstocked."

One of the many results of such overgrazing is serious damage to the desert streams and surrounding habitat. According to GAO testimony before the House Subcommittee on National Parks and Public Lands:

> When these stream banks are trampled and stripped of vegetation by livestock, fishing habitat is destroyed, surrounding water tables drop, erosion increases, and the availability of water, vegetative cover, and forage for wildlife is reduced.

Despite a clear mandate from the Congress to the BLM to manage the public lands for multiple use, the GAO has found that the agency has thus far been far more responsive to the livestock industry than it has been to the elected representatives of the American people. It is essential, therefore, that the Congress step up its oversight of the BLM, and I believe that the general provisions of H.R. 828 will make important progress in achieving this goal.

I felt it was important to put this on the record in light of these GAO findings. I think they are of great concern to my colleagues and to the American people, and I wanted to not only mention that, but support the amendment before the House and the legislation that the gentleman from Minnesota has so ably crafted and that is before us today.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I am very happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's kind remarks about my work, but really it is the work of the whole Interior and Insular Affairs Committee, and principally both sides of the aisle. Today we unhappily do not have unanimity on the legislation, but I think generally there is a lot of agreement with what is in this amendment and the basic legislation. I guess I heard support for this amendment on both sides of the aisle today, and I am pleased with that.

I think there is a real problem with the whole grazing issue, and I know the gentleman from Los Angeles has taken a real interest in the classification and designation of BLM lands in his own State, which is going to be the subject of hearings later this month in terms of the California desert issue. These are important issues.

The task and the mission of the BLM is changing and FLPMA recognizes that. This legislation goes further in recognizing that and the sort of emphemeral type of grazing and what the impact is on the land.

There are a lot of public lands in my State of Minnesota also and in other Eastern States and other Midwestern States. But we do not have the advantage of being able to graze on much of that public land, especially at below markets cost per animal unit as in the West. And we have questioned, many of us, as to whether that seriously undervalues the land, and there are special problems. I think all us of lean over backward not to interfere and impose extra economic hardships on ranchers, especially in terms of the agricultural sector of our economy and the problems it has experienced throughout the decade of the 1980's.

□ 1600

My guess is that tempers our response today.

I might say that agricultural economy exists in my State, a lot of people have had experience, where they do not necessarily receive the type of help that is being received here. When they raise beef, they have to do it on their own and without any type government grazing at bargain basement cost. We look; back starting in the 1930's, 50 or 60 years ago, the Taylor Grazing Act was a big improvement. I think today and 1976 with the FLPMA we made other changes and there is a big improvement there. Today we make some additional changes. Hopefully this measure will go to the Senate and be acted upon there and progress will be achieved in the BPM management of the public domain.

The CHAIRMAN pro tempore. (Mr. WISE). The time of the gentleman from California [Mr. LEVINE] has expired.

On request of Mr. VENTO and my unanimous consent Mr. LEVINE of California was allowed to proceed for 1 additional minute.

Mr. VENTO. Mr. Chairman, will the gentleman continue to yield.

Mr. LEVINE of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman.

Mr. Chairman, we are going to move forward and hopefully we will be able to do so in a logical and consistent way that does not have the repercussions that many fear, which would occur with regard to the livelihood and the economy of many of the States that the gentleman and others from the West are concerned about.

I might say the only reason they can refer to me as an easterner is because I was not born in West St. Paul, on the westside of the Mississippi, I guess, Mr. Chairman. Rather I was from the eastside.

So I hope, and we really try to strive to work together in the committee. Unfortunately sometimes it does not work. I think here now is an amendment we should all be supporting. And I thank the gentleman from California for his comments and for his work on the subcommittee.

Mr. LEVINE of California. I thank the easterner, or midwesterner, as it were, for his thoughtful comments and for his leadership on this issue.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia [Mr. DARDEN] to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to the committee bill?

Mr. MARLENEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may engage the chairman of the subcommittee in a colloquy: I note that the Secretary of the Interior does not presently have the specific authority to effect the management of wild and scenic rivers or national trails or wilderness areas or national monuments that are presently under the authority of the Secretary of Agriculture. In order to clarify the record, I must ask the gentleman from Minnesota if it is his intent to give the Secretary of the Interior new authority to effect management of the units of the National Forest System in accordance with the directions contained in the section of this bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, no, it is not the intent that the language would give the Secretary of the Interior any new authority over the national forests or the units thereof.

Mr. MARLENEE. I thank the gentleman.

The CHAIRMAN pro tempore. Are there any further amendments?

If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. If there are no further amendments to the bill, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KILDEE) having assumed the chair, Mr. WISE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 828) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, pursuant to House Resolution 200, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 828 the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE NECESSARY TECHNICAL AND CONFORMING CHANGES IN THE H.R. 828, BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEARS 1990, 1991, 1992, AND 1993

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make necessary technical and conforming changes in the text of the bill just passed.

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

There was no objection.

AGRICULTURAL ACT OF 1949 AMENDMENT, TO ALLOW PLANTING OF ALTERNATE CROPS ON PERMITTED ACREAGE FOR 1990 CROP YEAR

Mr. GLICKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2799) to amend the Agricultural Act of 1949 to allow the planting of alternate crops on permitted acreage for the 1990 crop year, as amended.

The Clerk read as follows:

H.R. 2799

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

SECTION 1. PLANTING OF ALTERNATIVE CROPS ON PERMITTED ACREAGE.

Effective only for the 1990 crops, section 504(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1464(b)(2)) is amended by—

(1) striking "and" at the end of subparagraph (D);

(2) redesignating subparagraph (E) as subparagraph (F); and

(3) inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of the 1990 crop year, acreage in an amount not to exceed 20 percent of the permitted acreage for a program crop, if—

"(i) the acreage considered to be planted is planted to canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, or meadowfoam;

"(ii) the producers on the farm plant for harvest to the program crop at least 50 percent of the permitted acreage for such crop; and

"(iii) payments are not received by producers under section 107D(c)(1)(C), 105C(c)(1)(B), 103A(c)(1)(B), or 101A(c)(1)(B), as the case may be; and".

SEC. 2. OATS.

Effective only for the 1990 crops, section 503(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1463(c)(1)) is amended by striking "if the acreage limitation percentage established for a crop of feed grains under section 105C(f) is 12.5 percent or less,".

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. GLICKMAN] will be recongized for 20 minutes and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

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

Mr. Speaker, I rise in support of H.R. 2799 to amend the Agricultural Act of 1949 to allow the planting of alternate crops and oats on permitted acreage for the 1990 crop year.

Section 1 of H.R. 2799 will allow producers who plant at least 50 percent of their program crop on permitted acreage to plant alternate crops on acreage not to exceed 20 percent of their permitted crop acreage. Alternate crops, with valuable industrial as well as food uses, under this section include canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkseed, and meadowfoam.

Increases in canola production will benefit Americans tremendously. Recent research has shown that canola, which is the food-oil variety of rapeseed, has the lowest saturated fat content of any vegetable oil, and, as a result, is becoming increasingly popular with the food industry. U.S. imports of canola oil in 1988 reached 250 million pounds, which is equal to 350,000 acres of production. It is estimated that the United States will consume or use nearly 400 million pounds of canola in 1989.

Sunflower and safflower byproducts also provide numerous benefits to food processors and consumers. Increased production of guayule, which is a

rubber plant, will help reduce imports of South American rubber that cost Americans millions if not billions of added cost every year.

Expanded uses for these alternate crops have created a demand that, unfortunately, cannot be met with current U.S. production levels. The principle factor limiting expanded production of these nonprogram crops is access to base acreage.

Under the Food Security Act of 1985 as amended, planting of canola and other nonprogram crops were allowed on 50 percent of permitted acres for the 1986 and 1987 crop years, 35 percent for 1988, and 20 percent for 1989. No option is available for the 1990 crop year.

Section 1 of H.R. 2799, by allowing planting of alternative crops on permitted acreage, will provide not only flexibility to farmers in their planting decisions, but also a way to earn more income to offset the effects of last year's drought. Additionally, to the extent program acreage is diverted to production of these nonprogram crops, there will be a reduction in program outlays. If this bill were to be enacted, $10 million in Government outlays will be saved in fiscal year 1990, according to the Congressional Budget Office.

Section 2 of H.R. 2799 will allow producers an opportunity to plant oats on any amount of their farm acreage base for 1990 regardless of the acreage limitation requirement established by the Secretary of Agriculture for feed grains. Under current law, for the 1990 crop year, the Agriculture Act of 1949 allows producers to plant oats on any portion of their farm acreage base only if the acreage limitation requirement for feed grains is 12.5 percent or less.

Until recently, oats were produced primarily as a feed grain used for livestock rather than as a food grain for people. However, over the past several years, demand for oats has increased as a result of research showing that the consumption of oats reduces cholesterol levels in the blood stream and industries finding more beneficial uses of oats.

Since 1985, oats production has fallen drastically despite the increase in demand. As of July 1, 1989, USDA estimates that only 387 million bushels will be produced in this crop year. This is a 25-percent drop in production from 1985 levels. Oats remain the only major grain imported into the United States. Last year, 60 million bushels were imported and this year USDA estimates that nearly 100 million will have to be imported to meet American demands.

Reasons for the decline in American oats production stem from the commodity programs established for oats and feed grains under the 1985 Food Security Act. The combining of oats and barley crop bases and using the same acreage limitation percentage for all feed grains including oats, have given farmers incentives to shift acreage from oats to barley and other feed grains that are supported by higher Government support prices relative to oats.

In the Omnibus Budget Reconciliation Act of 1987, Congress moved to correct this inequity by requiring the Secretary, that notwithstanding the provisions of current law requiring that any acreage limitation be applied uniformly to all feed grain crops, to establish a separate acreage limitation for oats at no more than 5 percent, unless in the case of the 1990 crop, the Secretary determines the supply of oats to be excessive. In addition, the Disaster Act of 1988 amended current law to allow farmers to designate any portion of their farm acreage base to plant oats unless the acreage limitation for feed grains is 12.5 percent or less.

Considering that stock levels of oats are still insufficient to meet demand, section 2 of this bill will require the Secretary to allow farmers the option to plant oats on any portion of their farm acreage base regardless of the acreage limitation established for feed grains in 1990. For purposes of determining the farm and crop acreage bases, any acreage on the farm that is designated as oats base under this section for 1990 shall be considered to be planted to the program crop for which oats are substituted. Also, farm and crop acreage bases shall not increase as a result of a farmer exercising his right established in this section.

In closing, I ask my colleagues to join me in support of this bill, which I believe will help to build production level to meet the growing demands for oats and alternate crops.

□ 1610

On balance, this bill accomplishes two things. It gives farmers a lot more flexibility in their production, which helps American farmers deal with the vagaries of world markets. It also gives consumers of this country the knowledge that we will be producing more crops that they desperately need: oats, canola, guayule, and the other crops that I am talking about which may, in fact, not only provide food usage, but industrial uses as well.

This is a good bill, a very commonsensical bill, and one that helps both farmers and American consumers.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 2799, to amend the Agricultural Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provision regarding the designation of farm acreage base as acreage base established for oats, and I urge my colleagues to vote for passage of this legislation.

The production of canola, which is crushed to produce a very healthy cooking oil, has not kept up with the demand for this crop. The United States has had to import significant amounts of canola from Canada. To meet the demand of U.S. consumers has required canola oil imports of 250 million pounds in 1988 alone. This bill will amend the Agricultural Act of 1949 to remove impediments to the production of canola and several other alternative crops such as rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, and meadowfoam.

Specifically, H.R. 2799 would consider that acreage planted to certain alternative crops on permitted acreage under certain conditions would be considered planted to program crop. H.R. 2799 will extend to 1990 crops similar treatment given 1989 crops as a result of the Food Security Improvements Act of 1986. To the extent that program acreage is diverted to production of these nonprogram crops, there will be a reduction in program outlays.

As for oats, H.R. 2799 will require the Secretary of Agriculture to permit producers to designate, for the 1990 crop, any portion of their farm acreage base as oats acreage base other than that portion designated for soybeans. This designation is permitted regardless of the acreage limitation established for feed grains.

Until recently, oats were produced primarily as a feed grain for livestock. Research has shown, however, that the consumption of oats by humans reduces cholesterol levels and has other healthful side effects. The resulting increase in demand for oats has caused an increased reliance by the United States on imported oats. The USDA estimate for 1989 indicates that nearly 100 million bushels will be imported. Contributing to the low production levels is the structure of the Federal commodity program. H.R. 2799 will correct this situation by allowing increased planting of oats.

Mr. Speaker, I believe that H.R. 2799 is important to correct imbalances in the supply of several critical crops. The bill is fiscally responsible and according to estimates will have a positive effect on the budget. I ask my colleagues to join me in supporting this legislation.

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

Mr. Speaker, I am happy on behalf of our side to rise in support of H.R. 2799 which will permit farm producers to have a greater degree of flexibility in planting crops for 1990 in a manner which is more attuned to signals from the marketplace, rather than making planting decisions based solely on Government price support programs. This bill will simply extend for 1990 a current provision of the 1985 farm bill which was due to expire. By extending and mandating the operation of this grower option, we will be able to save an estimated $10 million for next year in the cost of farm programs.

I want to congratulate the sponsor of this measure, Mr. ESPY of Mississippi, and I urge all our colleagues to give this measure their full support.

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

Mr. Speaker, I would like to reiterate what the gentleman from Montana [Mr. MARLENEE] has said. If this bill were to be enacted, $10 million in Government outlays will be saved in fiscal 1990, according to the Congressional Budget Office, as we allow producers to move away from program crops, which cost the Government money, to nonprogram crops which will not cost the Government money. They will still maintain the crop base. It is a good deal for all.

Mr. Speaker, I yield such time as he may consume to our distinguished colleague the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I thank the gentleman for yielding and for his kind words.

Mr. Speaker, as the gentleman from Kansas has already said, this is a good bill. It seems to make a lot of sense from a standpoint, first of all, of flexibility, because it does allow a greater latitude to the producer in the making of their production decisions.

Second, it makes good sense from the standpoint of cost decisions, because it does save the Federal Government about $10 million, as has already been said.

Third, probably one factor that has not been mentioned as prominently, it makes a lot of sense from the standpoint of seasonal urgency, because there are sections of this country suffering droughts. There are other sections, particularly in the part of the country that I am from, Mississippi, in a flood, and canola is a product that is more hardy and can be grown faster than other products. It just makes a lot of sense to go ahead and do this before the August recess.

This bill will simply extend this option to allow producers to plant up to 20 percent of their permitted acreage to specific nonprogram crops such as canola and oats for harvest in 1990, without loss of base.

It has already been mentioned, Mr. Speaker, that U.S. imports of canola oil in 1980 reached 250 million pounds, or the equivalent of 350,000 acres of production. It is popular because of the low content of saturated fat, and canola production has been expanding and reached an estimated 65,000 acres in 1988.

The principal factor for limiting expansion in the United States is simply the access to base acreage. This planting option found in H.R. 2799 will provide a modest degree of flexibility in the selection and planting of 1990 product, helping to offset the effects of the drought and the flood on planting plans and increase the opportunity for farm-derived income.

Already, Mr. Speaker, it is said that CBO has estimated a savings for this bill in the amount of $10 million, and that makes a lot of sense when it comes to budget reconciliation and cost savings.

As I mentioned, the seasonal clock is ticking, as the crop must be planted in September and October. With the fall planting season approaching, legislation to provide an option for canola production in 1990 is essential before the August congressional recess.

Mr. Speaker, this is a good bill which provides farm producers with greater flexibility in making fall planting decisions. It represents a significant savings in our desire to reduce farm program costs. It helps these producers to offset drought and flood losses. I urge my colleagues to support this bill.

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of H.R. 2799, to allow the planting of alternative crops for the 1990 crop year. H.R. 2799 does not address all the avenues available for increasing the flexibility we should extend to producers. However, H.R. 2799 is an important step in the right direction and will serve as an excellent starting point from which we can create additional choices for farmers in the 1990 farm bill.

This legislation creates a completely voluntary program that will allow farmers greater flexibility, stands to save $10 million in farm program expenditures, and will enhance the development of alternative agriculture.

I am gratified that we are on the floor today to pave the way for alternative agriculture. It is a goal I have been working toward for many years. My current bill, H.R. 47, was introduced on the first day of the 101st Congress, and is titled the Research and Commercialization of Alternative Agriculture Act of 1989.

Alternative crops promise an important future, not only for the agriculture economy but also for the economic stability of the entire Nation.

The estimated 5-year economic impact of just one crop, kenaf, which can be used for newsprint, includes the creation of 3,360 full-time jobs, the reduction of crop subsidies by $15 million, a decrease in pulp and paper imports by $191 million, a cut in unemployment costs by $77 million and an increase in tax revenues of $32 million. Such results would benefit everyone.

There is no doubt alternative crops offer outstanding economic promise for the United States and deserve our attention for their development. During this period of budget constraints, we need to be assured that all available public and private sector resources are clearly focused and effectively utilized.

I propose in H.R. 47 to go from what we are doing in H.R. 2799 today and establish a Federal framework for bringing alternative agriculture research into focus. This issue is of such importance that we need to create a national institute within the U.S. Department of Agriculture dedicated to the accelerated research, development, and commercialization of agricultural commodities.

I am pleased to rise today in support of this bill because it is a starting point and it responds to the needs of my Nebraska producers.

Producers from across the State of Nebraska have been asking for greater flexibility in determining what crops they should plant. They want to be able to respond to market forces rather than Government program rules. Farmers in my district want to utilize alternative agriculture to enhance their crop rotation options and to participate in developing new production opportunities.

I encourage the House Agriculture Committee to continue to explore additional options for increasing farm program flexibility, and I urge my colleagues to give the committee the go ahead with a unanimous "yes" vote on this bill today.

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member wants to commend the chairman of the Agriculture Subcommittee on Wheat, Soybeans, and Feed Grains, the gentleman from Kansas [Mr. GLICKMAN], and the ranking minority member, the gentleman from Montana [Mr. MARLENEE], and the chairman of the Agriculture Subcommittee on Cotton, Rice, and Sugar, the gentleman from Louisiana [Mr. HUCKABY], and the ranking minority member, the gentleman from Minnesota [Mr. STANGELAND], for their leadership in bringing to the floor H.R. 2799 which will allow for the planting of alternative crops on a portion of permitted acreage for the 1990 crop year. I would also like to recognize the efforts of the chairman of the Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA], and the ranking minority member, the gentleman from Illinois [Mr. MADIGAN], for their energy and leadership in bringing this bill before us in such a timely fashion.

Mr. Speaker, this Member is pleased to add my endorsement for H.R. 2799. The direction that the Agriculture Committee has set in place through enactment of this legislation will not only reduce farm program outlays, but will also allow producers interested in planting alternative crops an opportunity to make that decision based on market demands for that alternative crop without jeopardizing their feedgrain base.

Mr. Speaker, I am particularly pleased to see that the committee has also included a provision that will permit a farmer to shift a portion of their feedgrain base to oat production for the 1990 crop year. Not more then 15 years ago, farmers in portions of north central and northeast Nebraska and in many area of the upper midwest and western Great Plains were actively engaged in the production of oats as a very profitable cash crop. However, due to the price-depressing factors of unrestricted imports of oats in the late 1970's and, in part to the 1985 farm bill, most producers discontinued the production of oats in exchange for the rigid security provided by the farm program in maintaining their program base in the production of feedgrains. Little did anyone contemplate the resurgence of oats as the health food of the 1980's, or the dramatic increase in the importation of oats into this country just to satisfy our domestic demands for humans, horses, and other purposes. Nevertheless, that is the case, and oats is one of only two significant grain products that the United States is now forced to import. That need not be the case and this bill will help America again become self-sufficient to the benefit of consumers and farmers.

This is a well-balanced bill which will help address the need for more flexibility in the current farm bill. It will also allow those producers who wish to again plant oats for a profit to do so in a responsible manner.

Thank you for this opportunity to speak on behalf of this legislation. My compliments again to the committee for its foresight and diligence in bringing this bill to the floor in a timely fashion. I urge my colleagues to vote in support of H.R. 2799.

□ 1620

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, I will not speak at any length, but I do rise in support of the legislation.

I want to commend the distinguished gentleman from Kansas [Mr. GLICKMAN], and the ranking member, the gentleman from Montana [Mr. MARLENEE].

I think this is a good bill. I think it is an important debate, even though we are not in the middle of a farm debate right now, because it foreshadows from my standpoint a great deal of discussion we are going to have when we rewrite the farm bill next year or after a year's extension, as the case may be.

There is a greater demand and need for greater flexibility for farm programs. We have a rapidly integrating world market. We found out the problems the current farm bill can create with regard to that in terms of soybean production and oat production in the last year or so, and we also have a rapidly changing technological environment. A number of opportunities, as well as some of the problems, have presented themselves in our concern about the technological advancement that present a problem to our producers. I would just say to the gentleman from Kansas, as well as the gentleman from Montana, that they have an extraordinarily difficult job in my judgment when it comes to writing a new farm bill next year. I just want to say that I think that is a difficult task, because all of us want to be able, I think, to have flexibility in the farm bill, and we recognize the conditions that call for it.

On the other hand, I have some concerns about just the lifting of some controls and what direction the market would take if there were suddenly no signals from the Government, as it were, to our producers.

So, Mr. Speaker, I want to commend both the gentlemen for this particular piece of legislation. I wish them well as we enter 1990 when it comes time to write a much more significant piece of legislation.

Mr. Speaker, I rise in support of H.R. 2799, which would allow the planting of alternative crops on permitted acreage for the 1990 crop year. I want to commend Congressman ESPY, and the Agriculture Committee, for their commitment to the idea that the American farmer should have the opportunity to decide on how he should produce for the marketplace.

Mr. Speaker, in recent weeks I have held a number of town meetings throughout my district. At each stop, the farmers with whom I met told me they needed to have more flexibility in deciding how they should produce for the marketplace. They stressed the need for a program which combined flexibility with an aggressive export enhancement program. This type of program, Mr. Speaker, will allow American agriculture to continue to regain its competitive edge internationally.

As one who did not support the 1985 farm bill, I must now admit that the program has worked reasonably well. Farm income is up and so are our farm exports. But there are a number of lessons that we can learn from the implementation of the farm bill. With the passage of this legislation, I think we are acting on one of the more important lessons: We must be willing to redefine our agricultural policy in order to meet the competition head on.

Mr. Speaker, the passage of this legislation will permit farmers to plant alternative crops on their base acres. In addition, I firmly believe that we will also be sending a strong message to our world competitors. It's important for our competitors to know that Congress is willing to act on legislation that will ensure that American agriculture will continue to be a leading force in the world marketplace.

Mr. HOPKINS. Mr. Speaker, I rise to support H.R. 2799, a bill to permit the planting of alternate crops on permitted acreage in the 1990 crop year.

Enactment of this bill would allow American farmers to better respond to the consumer marketplace. It gives flexibility to farmers to replace program crops with a number of different nonprogram commodities without loss of base.

In effect, H.R. 2799 encourages a more market oriented farm policy by responding to consumers and holding the potential for improved farm income. In addition, this legislation has another benefit, it reduces Federal farm expenditures. The Congressional Budget Office reports that H.R. 2799 would save $10 million in fiscal year 1990.

I congratulate Mr. ESPY of Mississippi and Mr. STENHOLM of Texas for their hard work and foresight in putting this measure together and urge my fellow Members to give this legislation their full support.

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

Mr. Speaker, I would like to make it plain that the administration has no objection to this piece of legislation. Again I congratulate the sponsors and the chairman of the subcommittee.

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

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

Mr. Speaker, I would close the debate by saying, as the gentleman from Minnesota [Mr. WEBER] and others have said, that this bill does a lot of creative forward-thinking for agriculture. For that we owe credit to the gentleman from Mississippi [Mr. ESPY], the gentleman from Texas [Mr. STENHOLM], the gentleman from Montana [Mr. MARLENEE], and the others who have been involved in that effort.

Mr. Speaker, I urge the passage of this bill.

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

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 2799, as amended.

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

The title was amended so as to read: "A bill to amend the Agriculture Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provisions regarding the designation of farm acreage base as acreage base established for oats."

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

NATIONAL POW/MIA RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 129) to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day," and ask for its immediate consideration.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. LAGOMARSINO], who is the chief sponsor of House Joint Resolution 178 in the House and now Senate Joint Resolution 129, designating September 15, 1989 as "National POW/MIA Recognition Day," and recognizing the National League of Families of POW/MIA's. I am pleased to yield to the gentleman from California, who also serves as the chairman of our Task Force on Missing in Action in the House.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the chairman of the Bipartisan House POW/MIA Task Force, I rise in strong support of Senate Joint Resolution 129, identical to House Joint Resolution 178, a resolution I introduced along with my colleagues STEVE SOLARZ, BEN GILMAN, and JAMIE CLARKE, proclaiming September 15, 1989, as "National POW/MIA Recognition Day." This national day of remembrance is a very important signal to the Vietnamese and the rest of the world that we care about the fate of our missing servicemen in Indochina and will not let this issue die.

Sadly, the fates of these missing servicemen and the unresolved questions of their longing families have remained unanswered for so long. Part of this situation can be blamed on ourselves. Some, in their efforts to forget the Vietnam war also forgot about those who did not come home. Others, like the Woodcock Commission, claimed there were no live Americans being held in Southeast Asia. I clearly remember the congressional mission of which I was a part that visited Hanoi in August 1979. Mr. GILMAN was also a member of that mission. In response to our questions regarding the POW/MIAs, now Foreign Minister Nguyen Cao Thach said, "We didn't think you cared." We do care. I care, my constituents care, the POW/MIA families care, the Congressional POW/MIA Task Force cares, millions of concerned American citizens care, and our Government cares.

Today, under the Bush administration, as before under the Reagan administration, the POW/MIA situation has been made a top national priority. New energies and initiatives have been devoted to our POW/MIAs clearly signaling that America has not forgotten its missing men in Indochina and that we are ready and willing—at the highest national levels—to take the actions necessary to achieve a fullest possible accounting.

The real reason we still have so many unresolved POW/MIA cases, though, rests with the Vietnamese. The obstacles to progress and the answers to our questions lie with Hanoi, not Washington. The Vietnamese have agreed to treat the POW/MIA issue as a separate, humanitarian issue divorced from other political matters, like diplomatic recognition and so on. We will hold the Vietnamese to this pledge.

I am very encouraged that since General Vessey's mission to Hanoi in August 1987, additional progress toward achieving the fullest possible accounting of our missing men has been made. General Vessey, who was reappointed by President Bush as the President's special POW/MIA emissary, has presented the Vietnamese with a number of discrepancy cases—cases about which we know the Vietnamese have more information. The speed and comprehensiveness with which Vietnam helps satisfactorily resolve these cases will, I believe, determine how long until we are able to achieve the fullest possible accounting of these men.

I am absolutely 100 percent convinced that the Vietnamese maintain a stockpile of American servicemen's remains. I am strongly convinced that there are live, unaccounted for Americans in Vietnam. I also believe that there could be live POW's in Southeast Asia—or were. The Vietnamese could easily help resolve our accounting by releasing the remains they have stored and giving us unrestricted access to investigate other cases. The ball is in their court.

Despite these obstacles, progress has been made. We have recently concluded some joint crash-site investigations and additional remains have been repatriated. We continue to work with Laos on similar projects. Technical teams have met and continue to meet frequently with both the Lao and the Vietnamese. But, this progress is too slow. I hope the Vietnamese will realize that they have nothing to gain by dragging their feet on this issue. While the POW/MIA issue is a separate humanitarian one, progress on it—or the lack of progress on it—will have an impact on the resolution of other bilateral concerns.

Mr. Speaker, House Joint Resolution 178 provides concerned citizens with a foundation from which to hold programs and awareness projects on behalf of America's POW/MIA's. Many of these programs are being sponsored by the National League of Families—the only national organization comprised solely of family members. Their work deserves much praise. Through this recognition day America is officially broadcasting that it will remain steadfast with our POW/MIA families and will keep the faith. We will use the symbol of this day of recognition to underscore our commitment and reaffirm that "we will not forget."

I urge my colleagues to join me in continuing to keep the POW/MIA issue at the forefront of public concern on this special day and the days that follow until we achieve the fullest possible accounting of these missing men. I also urge my colleagues to join me in supporting this worthy resolution.

□ 1630

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for his contribution; he has been a longstanding leader in trying to achieve a full accounting.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] who also has been a leader in this long battle of trying to resolve this very painful issue that has faced our Nation for far too long. The gentleman from New York [Mr. SOLOMON] has also acted as a former chairman of our MIA/POW Task Force.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], and I thank him for bringing this resolution before this body, and I also thank the gentleman from California [Mr. LAGOMARSINO] the chairman of the POW/MIA Task Force.

As my colleagues know, I recall that some of us in this Chamber, another gentleman from California [Mr. DREIER], himself, and myself and a number of others went to Hanoi and went to Vietnam a few years ago, and we sat across the table from Communists who made us beg just to have the remains of fallen soldiers returned to this country for the families, young children, young wives, mothers that wanted to know the fate of their fallen soldiers, of their sons and daughters, and it was a terrible thing to have to do that, but it did bring results. Since that time there have been a number of remains returned.

However, Mr. Speaker, for the benefit of those young men and women who serve in the military today, they have to know that the United States of America will not forget, should, God forbid, that ever happen to them, and we need to continue to do all we can to give some kind of result to these people that still do not know the whereabouts of their sons and daughters and also for those American POW's that might still be alive over there.

So, I commend the gentleman for bringing this resolution before this body. I hope it passes unanimously.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for his remarks and for his long-time support of this issue.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER], another stalwart supporter of trying to achieve a full and final accounting of our missing in action, and another gentleman who did accompany us to Hanoi on several occasions.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding, and I would like to congratulate the gentleman from California [Mr. LAGOMARSINO], my colleague, and say that it is a special thrill for me to be here with three Republican chairmen because every single one of my colleagues who has spoken on this issue has had the opportunity to serve as a chairman of the Task Force on POW and MIA's, and I want to say that it is unfortunate that we have not yet brought about a complete and total resolution to this very important issue.

However, Mr. Speaker, this resolution, which we have here on the floor today, is once again designed to let the people in this country know that we are not going to forget the plight of those over 2,000 who are classified as missing in action.

Mr. Speaker, when I first got involved in this issue, it was just about 2 months after I was elected, and I was approached by some family members, and a young woman, Sherry Masterson, said to me, "Congressman, please tell me that my father is dead." What she was telling me is that the uncertainty for her made life miserable, and she is one who continues to live with that burden, as do so many people.

Mr. Speaker, this is a real tragedy, and I did have the honor of traveling with my colleagues to Hanoi. I remember when we were there and met with Hoang Bich Son, the Deputy Foreign Minister, on Valentine's Day 1986, and we finally in that meeting were able to get some trickling of remains to come back, but I believe that we have still a long way to go, as this resolution points out.

Mr. Speaker, I congratulate my colleagues for continuing to keep this on the front burner, and I thank the gentleman from New York [Mr. GILMAN] for yielding.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] not only for his remarks, but for his support over the years for this extremely important issue.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Mississippi [Mr. MONTGOMERY] who is one of the pioneers in the House in bringing this measure to the attention of this entire body and to our entire Nation, and a Member with whom I was pleased to serve when he chaired our Select Committee on the Missing in Action.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from New York [Mr. GILMAN] yielding, and I rise in support of this joint resolution.

Mr. Speaker, I worked over the years on this issue, and, as the gentleman from New York said, we worked together on a select committee years ago trying to get complete information as to what happened to these Americans missing in action.

Mr. Speaker, it is a sad situation. As has been said here today, we have to continue to try to gather as much information as we can to find out actually what did happen to these Americans.

I agree with my colleague, the gentleman from California [Mr. DREIER]. There are still remains that should be recovered. The Vietnamese should make every effort to return those remains to the United States, and I have always said for the last 10 or 12 years that I have been involved in this situation that the Vietnamese should let Americans come into Vietnam, go to the crash sites, which they are doing now in several cases, to let the Americans, I would hope, go anywhere they would like to look and see at these crash sites what did happen to these Americans.

So, Mr. Speaker, I rise in support of the resolution, and I certainly hope it will do some good, and someday I hope we can bring this last sad chapter of the Vietnam war to a conclusion.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for his remarks and for his long commitment to this issue.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding.

I wanted to mention in my remarks, and I neglected to do so, that our colleague, the gentleman from New York [Mr. SOLARZ], who is the chairman of the Subcommittee on Foreign Affairs, deserves a great deal of credit on this entire issue. It was he and his predecessor, Lester Wolff of New York, who established and kept going this special task force and who has always, as has been pointed out by my colleague from California, has always made it a bipartisan task force, doing that by always selecting a Republican to be the chairman.

So, Mr. Speaker, I want to commend the gentleman from New York [Mr. SOLOMON] for his remarks.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for his remarks.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], and I rise with regard to this resolution to associate myself with the comments of virtually all of the speakers who have preceded me, but particularly to make notice of the universality of the issue that is being dealt with on National POW/MIA Recognition Day.

Mr. Speaker, while, in fact, the truth is that so much of the attention that has been focused on this resolution has dealt with the current problems of POW's and MIA's, the truth of the matter is that those who made that very special sacrifice have been a part of all wars in all time. It is particularly appropriate, as we look down the agenda today at those who gather on behalf of this particular resolution, in fact gathered earlier this year, the gentleman from California [Mr. LAGOMARSINO], the gentleman from New York [Mr. GILMAN], and a subsequent sponsor of the resolution, the gentleman from California [Mr. LANTOS], gathered on the streets of Budapest, to recognize one of perhaps the most famous of all who are missing in action in the course of waging a war who will be recognized in the next resolution.

□ 1640

In that sense, Mr. Speaker, I wanted to make particular mention of the fact that this is a recognition that spreads itself well across the aisle, across this entire Nation, and literally around the globe in pursuit of an issue that commands the attention of all mankind as a matter of human rights for all of us.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting remarks.

Mr. Speaker, further reserving the right to object, I am pleased to rise in support of Senate Joint Resolution 129, which proclaims Friday, September 15, 1989, as "National POW/MIA Recognition Day." A day when our veterans posts, our schools, our libraries, and our mass media can remind all Americans of our courageous servicemen whose fates are undetermined from the Vietnam conflict.

The chairman of our House Task Force on POW's and MIA's, the gentleman from California [Mr. LAGOMARSINO] is to be commended for again sponsoring this resolution, as is the chairman of the Foreign Affairs Subcommittee on Southeast Asian and Pacific Affairs, the gentleman from New York [Mr. SOLARZ] for his constant encouragement and support.

Mr. Speaker, this is the 17th consecutive year that I have cosponsored this legislation and I am hopeful that it will be the last time such a resolution will be necessary, for hopefully by this time next year a full accounting will have been obtained, and the fates of these Americans will have been as fully determined as possible.

During the 17 years that we have been proclaiming "POW/MIA Rememberance Day," significant progress has been made. Under the hard-nosed negotiations of the Reagan-Bush administrations, the Communist government of Vietnam has become convinced that we consider a full accounting to be a major national priority. Since President Reagan appointed General Vessey to be his special envoy to Hanoi for POW/MIA affairs, some 159 remains of Americans have been repatriated and positively identified. Another 40 to 50 currently await positive identification.

All told, today the number of American heroes still unaccounted for from the Vietnam conflict numbers 2,348.

In this body we are appreciative of the Defense Intelligence Agency for its 24-hour a day diligence on this issue. We are grateful that the White House has continued, for 9 consecutive years now, to afford the issue a top priority status. We thank the National League of Families for keeping the flame of hope alive, as we also thank the VFW, the American Legion, and the many other organizations which have led the way on the POW/MIA issue.

During the 1970's, when we faced official apathy from the administration on this issue, these groups kept our Nation's hope alive. In those days, our chief adversary was apathy.

During the 1980's, while we enjoyed compassion, understanding and support from the administration, we were faced with a new enemy: the enemy of misunderstanding.

Many Americans, some of whom are well-meaning but others who wish to capitalize on this issue, do not understand the complexities of locating our 2,348 missing Americans. They have the mistaken impression that a platoon of well-armed Marines could accomplish the job in short order.

But we in this chamber realize that this just isn't so. The only viable way we will ever bring our Americans home will be through Government-to-Government negotiations. During the 14 years since the end of the Vietnam war, try as we might, we have not been able to pinpoint the locations of any Americans in that jungle infested region.

The adoption of this amendment is important because it will bring home to Hanoi yet again that we Americans are united on this issue. Although there may be some misinformation on techniques, we all agree that we will not forget nor forsake those Americans whose fates are unknown.

Mr. Speaker, this year our resolution also affords at long last official recognition to the National League of Families POW/MIA flag as "the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation". In my own 22d Congressional District of New York, the POW/MIA flag has become more and more familiar and common as a constant reminder of this crucial issue. Since March, the POW/MIA flag has been prominently displayed in the rotunda of our Nation's Capitol. This official recognition of the familiar POW/MIA flag is long overdue.

Mr. Speaker, let us come together to declare September 15, 1989 to be "National POW/MIA Rememberance Day" and to extend official recognition to the League of Families flag. We owe this much to our brave Americans who gave so much and to the brave families and loved ones they left behind.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Florida [Mr. BILIRAKIS] who has also been a stalwart member of our POW/MIA Task Force.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding this time to me and, of course, for the diligence of these gentlemen and their conscientiousness in bringing this resolution to the floor.

Mr. Speaker, it has all been said and said so very well and there is not too very much that I can say to improve upon it.

I will say, and I know that I share this with all my colleagues here on the floor of the House, the frustration of this particular issue, the knowledge that the DIA, the Defense Intelligence Agency, is such a very important part of our security structure and how very busy those people are and yet they devote, as the gentleman from New York said earlier, an awful lot of time and a lot of care to this issue; the knowledge that many members of our military, high ranking members of our military, also have so very much to do and such big jobs, and yet they meet with our task force continually on this issue.

Yet there is the frustration that we all feel, those of us who have been to Vietnam, and obviously all the others who have not been there on this issue.

One of the warmest experiences that I have had as a Member of Congress, I recall during maybe the first year or two I was up here in 1983 and 1984, it seemed to me the feeling that I ran into in my district was that many of the veterans from prior wars were not necessarily behind this issue as strongly as many of us thought they should be, and how they have changed, though. I think I can speak for my colleagues when I say that all of these organizations and the veterans of Korea and the veterans of World War II and whatnot, they have really changed in their thinking. If there is one issue that I have found in the United States of America where basically all Americans are unified, it is this issue of the MIA/POW's.

□ 1650

But it is a very frustrating issue and a very frustrating problem, and I know none of us will ever rest. There are so many wonderful people out there.

We have a gentleman in my district in Clearwater, FL, by the name of Win Neudeck, who is a German immigrant. He is, of course, a citizen now. He came over from Germany, and he could really appreciate what this country means. He feels so terrible about that war and about this issue that he is planning to contribute a very large amount of his own money toward the erecting of a memorial in Clearwater, FL, to the Vietnam MIA/POW's, and it may expand into all wars, if you will. It is sort of out of my hands, but I will be willing to work with him on it.

This is the feeling many Americans have that the least we can do here in the Congress is to pass resolutions such as this and hopefully maybe something on postage stamps, a postage stamp, one of these days, which I realize is not an issue at this point, but something to keep interest alive not only among the Vietnam veterans and their families but also among the American people.

I am just so very grateful to be working with the gentleman from New York [Mr GILMAN] and just all of the members of the Task Force on the MIA/POW's.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of Senate Joint Resolution 129 to designate September 15, 1989 as "National POW/MIA Recognition Day."

Whether as a nation or as individuals, we cannot forget the 2,364 Americans who are still unaccounted for in Southeast Asia. Whether they are our fathers, brothers, sons, friends or just unfamiliar names, these Americans, who gave so selflessly of themselves, must never be forgotten until this Government and, more importantly, their families and friends finally know of their fate.

The process of trying to account for these Americans been a long and angonizingly slow

one, but it must continue. Senate Joint Resolution 129 will let the Vietnamese Government know that the U.S. Congress will remain steadfast in its determination to resolve each and every case of an unaccounted for American. This measure will keep the MIA/POW tragedy at the top of the national agenda, and let the families of the missing as well as their comrades know that the Congress stands strong by their side.

Senate Joint Resolution 129 is an important step in the resolution of this tragedy that has so tried many Americans. By passing this resolution, we let those Americans know that all Americans stand with them to see this nightmare to its end.

Mr. SOLARZ. Mr. Speaker, as an original cosponsor of House Joint Resolution 178, I rise in strong support of this legislation, which would designate September 15 as "National POW/MIA Recognition Day".

I believe that it is entirely fitting that we set aside such a day for special remembrance of these courageous servicemen who selflessly heeded the call of this country. Indeed, 14 years after the fall of Saigon, the ongoing uncertainty surrounding the fates of these men is a poignant reminder that while the pain of the Vietnam war has ended for many in this country, it lives on in the hearts and homes of the families and friends of those brave Americans who faithfully served—and still may be serving—this country. By taking this action, we in the Congress demonstrate our ongoing solidarity with these men and their families in their long and often painful effort to determine the fate of their loved ones.

For so many years, our efforts to account for these individuals encountered nothing but intrasigence and rhetoric from the Communist governments of Vietnam, Cambodia, and Laos. I am cautiously hopeful, however, that at least on this issue of such great humanitarian importance these governments are beginning to see the light. Since September of last year, there has been an increased degree of cooperation, albeit still not enough, shown by Vietnam and Laos in resolving the question of what happened to our missing men. Only the Vietnam-installed Hun Sen government in Cambodia has refused to move forward to address our concerns in this area.

There have been six joint United States-Vietnamese field surveys, each involving two to three search teams that have been allowed access to crash sites in the countryside, in the 10-month period since September. Before these recent activities, only one such joint United States-Vietnam survey and excavation, which occurred in November 1985, had been allowed by the Government of Vietnam. In Laos, several successful excavations have been completed, and recently the Lao authorities agreed to year-round consultations on the POW/MIA issue.

Moreover, 212 remains have been repatriated by Vietnam since August 1987, when special Presidential envoy Gen. John Vessey went to Hanoi to meet with Foreign Minister Nguyen Co Thach. However, it is important to note that to date only 60 of that number have been positively identified as Americans, and there is a strong possibility that the majority of other remains will turn out to be Southeast Asian. The lesson obviously is that when dealing with the Socialist Republic of Vietnam, increased activity on the POW/MIA in and of itself does not automatically mean increased progress. As always, it remains vital to focus on Vietnamese Government actions, not words.

We must remember that the bottom line is that as of today 2,348 Americans remain unaccounted for in Indochina. Except for California and Texas, more men remain missing—147—from my home State of New York than from any other State.

And while our Government has not yet been able to establish concrete evidence that Americans remain held against there will, we certainly cannot rule out that possibility. At the very least, there is no question that the Indochinese governments have additional information on Americans still missing. The reports of live sightings received over the years make it imperative that we continue to do all that we can to follow up on each and every lead or shred of information which might lead to the return of an American.

Accordingly, the resolution of this issue has received a high priority in the Congress. Over 50 hearings have been held since 1975 and nearly 4,000 pages of testimony have been taken from over 120 witnesses. Since becoming chairman of the Subcommittee on Asian and Pacific Affairs in 1981, I have personally convened 17 hearings and have attended numerous classified briefings since that time in order to remain abreast of the most current intelligence information available.

In addition, I have re-appointed the gentleman from California, [Mr. LAGOMARSINO] as chairman of the House POW/MIA Task Force, which operates under the aegis of the subcommittee. BOB has done a tremendous job as a leader on this issue of such great concern to Americans everywhere, and I commend him on his tireless efforts.

In fact, this is the only example in the entire Congress where a Republican Member of the House chairs a task force or a committee. I think this is important because it underscores the extent to which this is an issue of bipartisan concern, on which Democrats and Republicans are united. Indeed, every so often an issue comes along that transcends traditional partisan politics and necessitates instead a unified response for the American people. And the resolution of the POW/MIA issue is a classic example of an issue that is an American issue, and not a partisan one.

To underscore the fundamental importance of this issue, President Bush has continued to classify as a "highest national priority" the effort to obtain the fullest possible accounting of these unaccounted for Americans.

I fully support that priority and was pleased when the President announced this past February that he had re-appointed retired Gen. John Vessey as a special envoy to Hanoi for the POW issue. General Vessey's inspired leadership on this issue is, I think, a major reason why Vietnam and Laos more fully understand the degree of deep, heartfelt feeling the American people have for these unaccounted-for men.

That understanding is crucial, because, after all, if anyone possesses the answers to all our unresolved questions, it is the Vietnamese. It is the Vietnamese who have the capability to end the prolonged pain of the family and friends of those Americans who did not return from the war. Thus we must continue to focus our efforts and our energies in keeping their feet to the fire on this issue. The problem, it is clear, lies not in Washington, but in Hanoi.

To do this, not only have I conducted numerous hearings and briefings on the issue but I have also traveled three times to Hanoi, once in 1980, again in 1984, and most recently during this past January. Each time I personally raised the question of our missing men with the Vietnamese authorities I met, and made sure they understood that we will not leave a single stone unturned in our search for answers.

Additionally, I have met with the Vietnamese representatives at the United Nations on several occasions in order to express my strong interest in the issue.

Through such actions, I believe we make it perfectly clear to the Vietnamese that we will not cease to pursue this issue unless and until we receive a satisfactory accounting so that the final chapter of our involvement in the Vietnam war may, at long last, be written.

At this time, I would like to pay tribute to the National League of Families of American Prisoners and Missing in Southeast Asia, and to Ann Mills Griffiths, the executive director of the league. Her tireless dedication and tenacious efforts to resolve this issue are unmatched, and I think we all owe her an enormous debt of gratitude.

Finally, let me say that I think it is entirely appropriate that the league's black and white flag, which has become synonymous with the Nation's concern for our unaccounted-for men, is designated as the official symbol of this issue. It is the families of these men who deserve answers to their questions, so it is fitting that the flag of the only national organization comprised solely of family members should stand as the symbol of our commitment to get the families those answers.

Mr. CLARKE. Mr. Speaker, as one of the vice-chairmen of the House POW/MIA Task Force, I am pleased to support this important resolution designating September 15, 1989, as National POW/MIA Recognition Day. I congratulate the chairman of the task force, Representative ROBERT LAGOMARSINO, and Representative STEVE SOLARZ, chairman of the House Asian Pacific Affairs Subcommittee, for sponsoring this measure.

For most of America, the war in Vietnam ended in 1975 when the last of our troops were withdrawn from Indochina. But for the families of the 2,348 servicemen still unaccounted for, the war in Vietnam is not over, nor will it be over until these families learn the fate of their missing sons, brothers, and fathers. These families must live daily with the very difficult burden of uncertainty, not knowing the fate of their relatives.

America has not forgotten the sacrifice these men made in the name of democracy, and until their fate has been learned the United States will continue to make the POW/MIA issue a top national priority.

Since former President Reagan's appointment of General Vessey as special envoy to Hanoi for POW/MIA affairs, progress has been made in recovering the remains of over

100 MIA's. We depend upon the Vietnamese Government, however, to assist us in locating and recovering remains, and its response has been slow. We must convince the Vietnamese that they cannot withhold American remains for use as a political bargaining tool. Only through a concerted American/Vietnamese effort will the fates of our missing servicemen be realized and the anguish of their families be over.

With the adoption of this resolution, we reaffirm to the families of our missing servicemen and to the Vietnamese Government our Nation's ongoing, wholehearted commitment to finding our missing servicemen.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 129

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute hardship; and

Whereas the sacrifices of Americans still missing and unaccounted for and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1989, is hereby designated as "National POW/MIA Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to recognize that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAOUL WALLENBERG DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 110) designating October 5, 1989, as "Raoul Wallenberg Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. WEISS] who is the chief sponsor of House Joint Resolution 47 to designate October 5, 1989, as "Raoul Wallenberg Day."

Mr. WEISS. Mr. Speaker, as the author of this resolution, I am proud to rise in strong support of its passage, and I want to thank the distinguished chairman of the Subcommittee on Census and Population for his support in moving the resolution through the committee.

Amost 8 years ago, former President Reagan signed a bill passed by a bipartisan majority of both houses of Congress to make Raoul Wallenberg an honorary citizen of the United States. This resolution would make October 5, 1989, the anniversary of that day, a national day of recognition for this deserving hero. As many of my colleagues know, Wallenberg is one of only three men in the history of the United States, the others being Churchill and Lafayette, to be awarded this rare honor. It is appropriate that we take the time today, and on October 5, to recognize the heroic achievements of Raoul Wallenberg, to remember the brutality against which he fought, and to urge that we all renew our efforts to secure his freedom.

Raoul Wallenberg, in fighting against the horror of the Holocaust, became one of the true heroes of the modern era. In 1944, at the request of the U.S. War Refugee Board, Sweden sent a representative to Hungary to coordinate rescue operations for the Hungarian Jewish community, which was marked for liquidation by the Nazis. That representative was Raoul Wallenberg.

In July 1944, Wallenberg entered what Simon Wiesenthal has referred to as "the slaughterhouse that was Budapest." By that time, some 5 million European Jews had already been sent to the gas chambers while the world watched in silence. The Nazis, knowing they were losing the war, became obsessed with wiping out the remaining Jews under their control. It became the personal task of Adolf Eichmann to liquidate the Hungarian Jewish community.

Eichmann pursued this cause with a vengeance. It is ironic that Hungarian Jews, who survived longest among all the Jewish communities in Nazi Europe, were the quickest to be destroyed. In a 2-month period—from May 15 to July 8, 1944—430,000 Jews were deported from the Hungarian countryside in sealed cattle cars. Among those carried away to the gas chambers were many members of my family.

Between July 1944 and January 1945, Raoul Wallenberg accomplished what many thought was impossible. Through a combination of what has been described as "bluff, heroism, and contempt for convention," Wallenberg saved the lives of 100,000 of the remaining Hungarian Jewish men, women, and children. Risking his own life constantly, he distributed Swedish passports by the thousands, provided supplies and medicine to residents of the ghettos, and rescued Jews from death marches and trains bound for Nazi concentration camps.

Even as troops of the Soviet Union encircled Budapest in late 1944, Wallenberg continued his sacred work. On January 13, 1945, Wallenberg contacted the Russians to persuade them to provide supplies for the remaining Jews under his protection. Four days later, he left Budapest for a meeting with the Russian commander. On his way to the meeting, Wallenberg was taken into Soviet "protective custody." Since then, there has been no official word from Raoul Wallenberg.

After more than a decade of silence, the Soviets announced in 1957 that a prisoner named "Wallenberg" died of a heart attack in prison in 1947. This communique was signed by none other than the former President of the Soviet Union, Andrei Gromyko. However, neither a body nor a death certificate was ever produced. In fact, eyewitness accounts over the years, and as recently as December 22, 1986, indicate that this was not the case. These accounts affirmed that Wallenberg was alive, and has been imprisoned in the Soviet Union since his abduction 43 years ago.

It is a supreme irony that this man who saved thousands from the cruel tyranny of the Nazis could not save himself from becoming a prisoner of tyranny. While it is unclear why the Soviets have refused to allow the truth about this lost hero to be known, it is clear that we must continue to press them until we can learn his fate.

Indeed, the recent events in the Soviet Union may be a good sign for Raoul Wallenberg. Many have thought that as long as Andrei Gromyko remained in a position of influence in the Soviet leadership, the Wallenberg case would remain closed for fear of embarrassing him. Now, with Gromyko's death, Mikhail Gorbachev has a unique opportunity to reopen it. Now is the time to let Mr. Gorbachev know that the Wallenberg case is a top priority of the U.S. Congress and the U.S. people.

Mr. Speaker, just as Raoul Wallenberg did not forget the Jewish people when it seemed that the rest of the world had, we must never forget Raoul Wallenberg and all that he did. In particular, the United States has a special responsibility to find out what has happened to him, as it was American sponsorship which apparently led the

Soviets to erroneously believe that Wallenberg was on a spy mission in Budapest. I hope that passage of this resolution will encourage all to redouble their efforts toward this important goal, and I took forward to the day, not too far in the future, on which we will learn the fate of the true hero whose achievements we recognize today.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, of course, like all Members of this body, had heard about Raoul Wallenberg and what he did and admire him greatly for that.

It really did not strike home to me until I had the opportunity in January with several of my colleagues here, the gentleman from Ohio [Mr. SAWYER], the gentleman from New York [Mr. GILMAN], of visiting Hungary and also Stockholm where it came home to me in a very real way. We were with our colleague, the gentleman from California [Mr. LANTOS].

We went to two places in Budapest that were very impressive. One was the memorial to Raoul Wallenberg, a very impressive statue, impressive also in that it was allowed to be constructed by the Communist government of that country, but even more impressive, at least to me, was a visit we made, a very short visit, to the apartment house in downtown Budapest where Raoul Wallenberg hid out the gentleman from California [Mr. LANTOS] and saved his life at the end of World War II.

In Stockholm we had the opportunity to attend a memorial ceremony to Raoul Wallenberg, and members of his family were there.

I want to say that I strongly support this resolution, and I urge my colleagues to adopt it. I commend the committee for bringing it forward at this time.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his remarks and for reminding all of us of the very moving events that we witnessed on our mission to Europe when we visited both Sweden and Budapest and had an opportunity to meet with some members of the family and with the hundreds of people who were paying tribute to him in two very moving ceremonies.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 110, to designate October 5, 1989, as "Raoul Wallenberg Recognition Day."

Raoul Wallenberg was sent, voluntarily, to Hungary by the Swedish Government in July 1944, unarmed and alone, to organize rescue operations for Jews who were marked for extermination by the Nazis. During his 6 months in Hungary, Wallenberg saved the lives of some 100,000 Jewish men, women, and children, among them our distinguished colleague, Congressman TOM LANTOS and his wife, Annette.

When the Swedish diplomat arrived in Budapest he began buying houses. By draping these houses in the flag of his country, he turned them into sanctuaries for thousands of Hungarian Jews. Wallenberg saved the lives of these Jews by distributing Swedish passports by the thousands, providing supplies and medicine to residents of the ghettos, and rescuing Jews from trains bound for Nazi death camps.

Wallenberg was captured by Soviet forces in January 1945. Between the years 1945 and 1957, Wallenberg's fate was unknown. In 1957, the Soviet Union reported that Raoul Wallenberg had died of a heart attack while in Moscow's Lubyanka Prison in 1947, at the age of 34.

There have been many disputes over the years as to what actually happened to Raoul Wallenberg. Dozens of people who suffered in Soviet prison camps and hospitals have reported encounters with him. The latest such report surfaced as recently as 1987.

Raoul Wallenberg is a true hero of World War II. While his fate remains a mystery, Wallenberg represents, even today, a light of hope and freedom for millions of Jews and other survivors of the Nazi death camps around the world.

It is time for Soviet officials to tell the world the truth about what happened to Raoul Wallenberg. It is believed by many that he may still be alive, an unrecognized person lost in one of the Soviet prisons.

Finally, Mr. Speaker, I would like to commend Congressman WEISS, the sponsor of the House companion measure, for all of his efforts in getting this important resolution to the floor today.

□ 1700

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio for his supporting remarks.

Further reserving the right to object, I am pleased to yield to the gentleman from California [Mr. LANTOS] who first focused attention on this issue in this body and throughout the world, and whom I was pleased to accompany to two very moving ceremonies, as we mentioned previously, one in Sweden and one in Budapest, as we stood before one of the safe houses one evening when there was a candlelight ceremony that brought tears to all of our eyes.

Mr. LANTOS. Mr. Speaker, first I want to commend my distinguished colleague, the gentleman from New York [Mr. WEISS] for introducing this very important resolution, and I want to pay tribute to the gentleman from New York [Mr. GILMAN], and the chairman of the committee, who have done so much to commemorate this era.

Wallenberg in many ways represents the best in all of us. He was, in fact, his brothers' and sisters' keeper. He was not just a hero who fell into a situation; he sought out the situation.

He left behind the comfort, security, safety, and affluence of Sweden and went during the most difficult days of World War II to Hungary for the sole purpose of saving human lives. He saved 100,000 human lives, and I think it is sort of appropriate at this stage when we hear so much about glasnost and the opening up in the Soviet Union that at long last the Soviet Government would tell us the truth about Wallenberg. Mr. Gorbachev would do his cause of being taken very seriously along these lines a world of good if he would allow a group of international specialists who have made a lifetime of study of Wallenberg into the Soviet Union so they could trace his steps from various places in the Gulag through all of these years. There have been so many sightings of Raoul Wallenberg in the Soviet Union over the course of recent decades, his family in Sweden and hundreds of thousands of people around the globe are still hoping that he might yet be alive. And there would be no better way of commemorating the memory of all those who perished in the Second World War than by allowing Raoul Wallenberg to return to his loved ones, if he is alive, and if he is not to have his story told to the whole world, because this is the ultimate story of brotherhood.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting remarks and for his continual work on behalf of Raoul Wallenberg and keeping this issue alive before the entire world.

Mr. Speaker, further reserving the right to object, I rise in strong support of the measure pending before us, Senate Joint Resolution 110 which declares October 5, 1989 to be "Raoul Wallenberg Day," in recognition of the great personal sacrifice and humanitarian contributions made by this great man.

I would also like to thank our distinguished colleague from New York, Mr. WEISS, for introducing the companion bill, House Joint Resolution 47, which has been cosponsored by an overwhelming number of members, including myself. Paying tribute to Raoul Wallenberg in this way is fitting, indeed.

Mr. Speaker, in the closing days of World War II, Raoul Wallenberg responded to the appeals of the Jewish community to try and save what re-

mained of Hungarian Jewry. Selflessly and tirelessly, Raoul Wallenberg, a non-Jewish diplomat of Swedish ancestry, risked his life to save Budapest's Jews by establishing safe houses and by distributing very official looking Swedish passports and documents. These important papers declared the recipient to be under the protection of the Swedish Government, and although they were not official, Wallenberg was able to convince Nazi officials into thinking they were. In this manner he saved many thousands of people. His presence was felt in many locations around the city and its environs, and upwards of 100,000 have credited their survival to his humanitarian work, including our distinguished colleague from California, [TOM LANTOS] and his devoted wife, Annette.

Unfortunately though, Raoul Wallenberg's efforts, while successful, came at the expense of his own life. After the Soviet army came to liberate Budapest on January 1, Wallenberg went to meet some of their officers. He was never seen again.

In the ensuing years, inquiries, both private and official, have been made on his behalf. In each instance the response was that Raoul Wallenberg died of natural causes while in prison. No reason has ever been given as to why Raoul Wallenberg was incarcerated in the first place, and no credible explanation as to what, if anything, happened to his remains, has been provided. Moreover, during succeeding decades, reports of a Swede alive in the Soviet gulag have persisted, thus adding impetus to efforts designed to elicit information about Raoul Wallenberg's fate.

The recently deceased Andrei Gromyko was one of those whose name was linked to Raoul Wallenberg's fate. It has been suggested on several occasions that a true and comprehensive response regarding Raoul Wallenberg would not be revealed until Gromyko's death. This has now occurred. Glasnost would truly be served if the Soviet Government cooperated in our persistent efforts to learn more about what happened to Raoul Wallenberg following his captivity, and in the decades which ensured. It is a certainty, though, that we in Congress will not rest until a substantive response is forthcoming. Either Raoul Wallenberg is alive, or he is not. If he is, then he should be released. If he is no longer alive, then a credible and responsible report outlining his death should be provided.

Mr. Speaker, Raoul Wallenberg saved many people. His devotion to the preservation of human life in the face of evil has earned him a place in history forevermore. By designating October 5, 1989, as "Raoul Wallenberg Day," we acknowledge the date on which he was made an honorary American citizen. This gives us an added impetus for securing information about him from the Soviet Government.

Further honoring Raoul Wallenberg on Friday of this week, the Congressional Human Rights Foundation will be awarding His Holiness the Dalai Lama the First Annual Raoul Wallenberg Human Rights Award.

Accordingly, Senate Joint Resolution 110 deserves the strong support of the entire membership of this House.

□ 1710

Further reserving the right to object, Mr. Speaker, I am pleased to yield to another great battler for human rights, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the gentleman.

Mr. Speaker, I commend the gentleman and my friend and colleague from California [Mr. LANTOS], for the excellent work they have done on this over not just the last few years but a decade or more.

Mr. Speaker, this is a stunning admission that has come out of the Soviet Union that they recognize that this innocent person was taken captive. To have the Soviet official say, and I am phrasing him I think almost exactly, that this truly was a man who saved tens of thousands of lives, puts him in an unbelievably unique category in modern history. They acknowledge this fact now that has always been the main motivational factor for us.

Now some historical reports are coming out that Mr. Wallenberg may have saved more than the 100,000 people that we generally speak of on this Chamber floor. This is a man who along with Winston Churchill is the only other honorary citizen of the United States in 213 years. He is a man who has a street named after him in this capital city.

President Gorbachev and all of his diplomats worldwide must understand that having admitted as much as they have, we are ready to forgive and forget if they will bring the man's history up to current times.

We have too many reliable sightings to believe that this man is not either alive now, which I think is entirely possible, or that he was alive until a very few years ago.

To simply come up and say that in an evil period this man was killed by evil men who themselves were then destroyed—and that is one answer we are getting—that is not acceptable.

The Soviet Union knows that during all the days from the Bolsheviks right down to today their bureaucrats have had an absolute penchant, an obsession with putting down facts and figures and statistics and people's names. They have the record somewhere. If they bring the record forward, we are willing to accept this as a, I do not want to use the word "magnificent," but how else can you describe somebody swallowing the embarrassment of decades of keeping this man's family in agony and finally coming forward?

All right, it will be a magnificent, magnanimous gesture of human rights act of decency to finally tell us what is the fate of this great world hero, Raoul Wallenberg, not just as the righteous gentile as he is memorialized in the Ad Veshem in Israel and in many, many places of Jewish respect around this country, not just on a street that will be the main boulevard in front of the Holocaust Museum in this city when it is finished, but a man that the whole world recognizes as one of those unique human beings who just does not rescue one human being but who has rescued tens and tens of thousands, of up to 100,000 human beings who owe their existence to this man.

Mr. Speaker, those people are praying for him. They will not forget. We do not just implore, we literally beg the Soviet Union to do the decent thing. It will be a shining light to Mr. Gorbachev's first 5 years if he comes forward with this information.

I thank the gentleman for his efforts, and the gentleman from California [Mr. LANTOS].

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from California for his strong words in support of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 110

Whereas in January 1944, the United States War Refugee Board asked Sweden to send a representative to Hungary to organize rescue operations for the Hungarian Jewish community which was marked for liquidation by the Nazis;

Whereas the Swedish representative, Raoul Wallenberg, through a combination of what has been described as "bluff, heroism, and a contempt for convention" waged a bold campaign in Hungary to thwart the "final solution";

Whereas in the 6 months he was in Budapest, Raoul Wallenberg managed to, directly and indirectly, save the lives of some 10,000 men, women, and children;

Whereas Raoul Wallenberg risked his own life countless times during his work, dragging Jews from trains bound for gas chambers, bringing food and blankets to those on death marches, and unflinchingly challenging Nazi authorities;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subse-

quently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas eyewitness accounts over the years, and as recently as December 1986, indicate that Raoul Wallenberg may indeed still be alive and imprisoned in the Soviet Union;

Whereas the Soviet Union has never produced a death certificate or the remains of Raoul Wallenberg to prove that he died;

Whereas the Soviet Union, despite numerous attempts by Swedish and American officials, refuses to look into the reports that Raoul Wallenberg is still alive;

Whereas just as Raoul Wallenberg did not forget the Jewish people when it seemed that the rest of the world had forgotten, Raoul Wallenberg and all that he did for the cause of humanity must never be forgotten; and

Whereas on October 5, 1981, the President of the United States signed into law a proclamation making Raoul Wallenberg an honorary citizen of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 5, 1989, is designated as "Raoul Wallenberg Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WORLD WAR II REMEMBRANCE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 221) to designate the week beginning September 1, 1989, as "World War II Remembrance Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. LANTOS] who is the chief sponsor of House Joint Resolution 221, to designate the week beginning September 1, 1989, as "World War II Remembrance Week."

Mr. LANTOS. I thank the gentleman.

Mr. Speaker, I want to thank the distinguished chairman of the subcommittee and the gentleman from New York [Mr. GILMAN], my good friend.

Mr. Speaker, on behalf of Congressmen ASPIN, DICKINSON, MONTGOMERY, SOLOMON, HAMMERSCHMIDT, and over 200 others, it is my privilege to present this resolution to this House.

When President Bush goes back to the White House and looks at his desk, this resolution will be very much on top of the desk, and it is so appropriate that it should be, following his recent visit to Poland and Hungary and the summit in Paris.

Mr. Speaker, it was 50 years ago on September 1, 1939, that the troops of the German Third Reich launched a surprise attack upon Poland and began the military actions that led to World War II.

Japan, Italy, and a number of other states subsequently joined Nazi Germany in attacking their neighbors.

The United Kingdom, France, the United States, and other nations declared war on the aggressors and as a result of this greatest conflagration in the history of mankind, over 15 million combatants died and over 24 million civilians died.

The material cost of the Second World War boggles the imagination, but the destruction of societies and structures, the elimination of civilized life from so much of the planet was infinitely more significant than the material damage.

As a result of the vicious racist policies of the Government of Nazi Germany and some of its allies, millions of innocent men, women, and children were murdered.

Wartime fears and prejudices resulted in additional millions being displaced, interned, harassed, placed under suspicion and deprived of their property.

As a consequence of the technological developments that were part of this war and which followed this war, we have been living under the shadow of nuclear annihilation for almost half a century.

This summer, which is the summer that for the first time is beginning to give us hope that we are moving away from the abyss of yet another global war, gives us an opportunity of remembering the Second World War.

With the week beginning September 1, 1989, the 50th anniversary of the outbreak of the Second World War, we shall be honoring "World War II Remembrance Week" and we are calling on President Bush to issue a proclamation calling on the people of the United States to observe this period with appropriate ceremony, programs, activities and prayers so that no similar nightmare should again befall mankind.

□ 1720

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I rise in support of House Joint Resolution 221, a joint resolution to designate the week beginning September 1, 1989, as World War II Remembrance week. It was with pleasure and pride that I cosponsored this resolution, and I commend the distinguished gentleman from California, our colleague on the Foreign Affairs Committee, [Mr. LANTOS], for having authored this measure.

World War II was a war unlike any other we have ever fought. It killed more persons, cost more money, damaged more property, affected more people, and probably caused more far-reaching changes than any other war in history. At its height, more than 50 countries took part in the war and more than 55 million people died. The cost of this war estimated to be approximately $1.154 trillion. This war eliminated the perilous scourge of nazism from the face of the world and freed the thousands of Jews held prisoner in brutal captivity. Unfortunately, millions of others could not be saved. World War II stopped the tyrannical worldwide conquest by Japan and by dictators Hitler and Mussolini. Beyond the results of the war, World War II reconfirmed the United States' promise to protect liberty and freedom throughout the world.

Veterans and civilians of the World War II era, and all citizens throughout our Nation, recognize the importance of this conflict. Hundreds of thousands of Americans died to preserve and uphold the democratic ideals and institutions which the United States dearly maintains. This war required the mobilization not only of armies but of technologies, economies, and whole peoples. As a result, our entire Nation took part in this noble effort and this week provide fitting tribute to those struggles.

Accordingly, I urge my colleagues to support this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 221

Whereas on September 1, 1939, troops of the German Third Reich launched a surprise attack upon Poland and began the military actions that led to World War II;

Whereas the Governments of Japan, Italy, and other states subsequently joined Nazi Germany in attacking their neighboring states to bolster their national pride and achieve imperialistic economic advantages;

Whereas the United Kingdom, France, the United States, and many other nations declared war upon the aggressors;

Whereas as a result of the six-year conflict that ensued over fifteen million combatants were killed and over twenty-four million noncombatants died;

Whereas the warring nations suffered nearly $1,000,000,000,000 in costs directly related to the conduct of the war, and the severe disruption and dislocation of the conflict resulted in losses totaling many times that amount to their economies.

Whereas as a result of the vicious racist policies of the Government of Nazi Germany and some of its allies, millions of inno-

cent men, women, and children were murdered, including some six million Jews;

Whereas as a result of wartime fears and prejudices, millions of innocent individuals were needlessly displaced, interned, harassed, placed under suspicion, and deprived of their property by nations on both sides of the conflict; and

Whereas as a consequence of technological innovations which came about as a result of this war, devastating conventional weapons and the threat of nuclear annihilation directly affect growing segments of civilian populations; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the fiftieth anniversary of the outbreak of World War II, the week beginning September 1, 1989, is designated "World War II Remembrance Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the period with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 93) to designate October 1989 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I would simply like to inform the House that the minority has no objections to the legislation now being considered, and I am pleased to rise in support of Senate Joint Resolution 93, a joint resolution designating the week of October 13, 1989 as "Polish American Heritage Week," and I commend the gentleman from Pennsylvania [Mr. BORSKI] for his work on this important measure.

I am gratified to recognize the myriad contributions of Polish Americans to life in the United States. Since the days of Kosciuszco, ethnic Poles have shared their burning desire for freedom throughout the world. Polish-Americans have served in our Armed Forces, and preserved, protected and defended the American way of life since the inception of the American experience. From our steel mills to top foreign policy positions, to the fields of medicine and law, the contributions of ethnic Poles to the good of American society will be commemorated for generations to come.

Mr. Speaker, Polish-Americans can look across the seas to the land of their ancestry and derive pleasure from the raging tide of democracy throughout Eastern Europe. The recent Polish elections and the forces of moderation within that government provide a much longed for opportunity for Polish citizens to experience some of what their emigre counterparts have experienced in our great Nation for over 200 years.

Accordingly, Mr. Speaker, I am pleased to support this measure and I strongly urge its full support in this body.

Mr. BORSKI. I'd like to thank the chairman of the Subcommittee on Census and Population, Mr. SAWYER, and the ranking minority member of the subcommittee, my colleague from Pennsylvania, Mr. RIDGE, for bringing this legislation to the floor in a timely manner.

I would also like to thank my colleagues and fellow Polish Americans, BILL LIPINSKI of Illinois and GERRY KLECZKA of Wisconsin, for the time and effort they spend in helping me gather support for the House version of this legislation.

Mr. Speaker, for the past several years, I have introduced legislation to designate October as "Polish American Heritage Month." Each year, my colleagues in the House have supported that legislation overwhelmingly. I ask their support again for this legislation to make October 1989 Polish American Heritage Month once more.

Polish American Herigage Month will focus attention on the great contributions that Poles and Polish-Americans made to American history.

Poles fought beside Americans from the very beginning of our struggles for liberty. Their willingness to fight for freedom links Thaddeus Kosciuszko, who helped the Revolutionary Army win the Battle of Saratoga, with Lech Walesa and the many other Solidarity activists who continue to inspire us with their activities in Poland today.

Like many of these peoples who journeyed to America from dozens of different nations, the millions of Poles who immigrated to this country made important contributions to all aspects of American life. Throughout nearly three centuries of immigration, they have been leading businessmen, athletes, artists, and religious leaders. Poles continue to be leaders in all walks of American life today.

Polish American Heritage Month will establish a time to remember the history and values that Poles and Americans share. The history is rich and varied. It includes our most basic beliefs in liberty and freedom.

As a Polish-American, I am proud to have sponsored the House version of this important joint resolution to designate October 1989 as Polish American Heritage Month. I urge my colleagues to join me in supporting this legislation.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 93

Whereas the first Polish immigrants to North America were among the settlers of Jamestown, Virginia, in the 17th century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was directly modeled on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish people to regain their freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of the greatest son of Poland, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of Nobel Peace Prize Laureate Lech Walesa, the founder of the Solidarity Labor Federation;

Whereas the Solidarity Labor Federation was founded in August 1980 and is continuing its struggle against oppression by the Government of Poland; and

Whereas the Polish American Congress is observing its 45th anniversary this year and is celebrating October 1989 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1989 is designated as "Polish American Heritage Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the several joint resolutions just considered and passed.

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

There was no objection.

ESTABLISHING A NATIONAL PARK SYSTEM REVIEW BOARD

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XXIII, the Chair declares the House

in the Committee of the Whole House on the State of the Union for the further consideration of the bill, 1484.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, with Mr. SAWYER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

RECORDED VOTE

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, pending was a demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. RHODES].

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 251, not voting 32, as follows:

[Roll No. 140]

AYES—148

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox
Dannemeyer
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Inhofe
Ireland
James
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McCrery
McDade
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parker
Parris
Pashayan
Paxon
Payne (VA)
Petri
Porter
Quillen
Regula
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Roth
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skaggs
Skeen
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Spence
Stearns
Stenholm
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOES—251

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Coleman (TX)
Conte
Conyers
Cooper
Costello
Coyne
Darden
Davis
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Pallone
Panetta
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ray
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—32

Bosco
Boucher
Collins
Courter
Craig
Crane
Crockett
de la Garza
DeLay
DeWine
Feighan
Florio
Hatcher
Hefner
Hyde
Jacobs
Kaptur
Lent
Markey
Martin (IL)
McEwen
Molinari
Owens (UT)
Ravenel
Ridge
Robinson
Sabo
Stangeland
Torres
Torricelli
Vander Jagt
Waxman

□ 1747

The Clerk announced the following pairs:

On this vote:

Mr. Craig for, with Mr. Markey against.

Mrs. Martin of Illinois for, with Ms. Kaptur against.

Messrs. DINGELL, MATSUI, SCHEUER, CONTE, PURSELL, and SOLOMON changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. DICKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, pursuant to House Resolution 199, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MURTHA). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1750

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF VETERANS AFFAIRS, AND HOUSING AND URBAN DEVELOPMENT, AND FOR SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS AND OFFICES, APPROPRIATIONS BILL, FISCAL YEAR 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent the the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes.

Mr. GREEN reserved all points of order on the bill.

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

There was no objection.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1484, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 586.

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

There was no objection.

COULD ENDING HOME RULE SOLVE THE CRIME PROBLEM IN THE DISTRICT OF COLUMBIA?

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

Mr. MARLENEE. Mr. Speaker, what do you do when a staff member gets mugged in Washington, DC, the most dangerous place in America, fantasy land U.S.A.?

The civic leaders are angered, the D.C. Government officials are angered, the President of the Washington Visitors Association is angered.

Mr. Speaker, what are they angered about? Well, apparently not crime in crime city, U.S.A., but instead they are angered about a TV ad by NRA depicting the crime.

That crime was very real for Danny Rostad of my staff on last Saturday at 2 p.m. when three men mugged him in broad daylight. That crime was very real for the attorney that worked with the ethics committee on the Wright affair that was mugged within one block, one block of the Supreme Court.

I ask Mr. Dick Nelson, managing director of the Grand Hyatt if, quote, that is not the way it is here, end quote. Why do a number of Congressmen's offices warn their interns, warn their staffs and the visitors about the dangers of the District of Columbia?

Mr. Speaker, has the District of Columbia, like Gotham City, been taken over by the Joker where greed, drugs, crime, and murder are ignored by the council and civic leaders? What an image of shame this city has projected.

Can ending home rule clean it up? I do not know, but let us ask the victims of the crime of the incompetence.

Mr. Speaker, I include an article from the Washington Times:

[From the Washington Times, July 10, 1989]

NRA TELEVISION AD WOUNDS CITY LEADERS

(By John E. Smith)

With police lights flashing in the background, actor Charlton Heston walks beside a graffiti-covered brick wall. Sirens wail in the distance.

"This is the most dangerous place in America," he says. "Our murder capital, Washington, D.C."

Mr. Heston's comments, part of a television commercial being aired locally by the National Rifle Association, have angered D.C. government and civic leaders concerned with the city's image and its effect on tourism.

The NRA says it has no plans of showing the TV spots nationally, but D.C. officials still fear that congressmen here might be affected negatively by the spots and carry home the word that the city is a nasty place to visit.

Groups ranging from the Greater Washington Board of Trade to the local Hotel and Restaurant Employees Union have written letters to NRA officials, assailing them for their "unwarranted exploitation" of the region's crime problems.

"It's totally ludicrous and ridiculous," said Dick Nelson, president of the Washington Convention and Visitors Association and the Grand Hyatt's managing director. "It's like you're looking around here—afraid for your life—and that's not the way it is."

The D.C. government also has become involved, scheduling a meeting this week with leaders of the city's tourism industry to try to find ways to counter the negative publicity, or stop the NRA from running the TV spot and similar newspaper and magazine ads about the city.

"Sure, we're concerned," mayoral spokesman John White said. "The [NRA TV ad] is a terrible distortion. It really plays on people's fears."

But NRA leaders aren't about to back down.

"As long as the District government seeks to leave its citizens defenseless in the face of rampant violence, this association will use every avenue open to us in airing our message," NRA Executive Vice President J. Warren Cassidy said last week in a written response to the Board of Trade letter.

NRA leaders said the TV commercial, targeted at members of Congress who will be voting on handgun-control legislation, uses the city's strict laws as an example of the failure of such measures.

"The intent behind [the NRA campaign] is fairly obvious, and that is to point out that gun laws don't work," said Richard E. Gardiner, director of state and local affairs for the NRA. "D.C. has had a gun law for a long time, and look at it. It's become the murder capital of the country."

But city government and tourism leaders complain that the NRA is distorting the true nature of the crime problem in the District and failing to point out that the relatively lax handgun laws in Virginia and Maryland may be contributing to D.C's violent-crime rate.

NRA officials disagree. "All it [the TV ad] does is tell the truth about the District," Mr. Gardiner said. "From some people's perspectives, it might be vicious, but it's the truth. I guess the truth hurts."

For now, the NRA's TV commercial is running only on television stations in the area including WJLA-Channel 7 and local cable stations. It was scheduled to air around evening-news programs for about two months, from mid-May to late July, although NRA officials said the run may be extended.

Tourism industry leaders said a primary concern was that the television ad would be aired in other parts of the country. While NRA officials said no such plans exist, Mr. Gardiner said other cities could learn a lesson from such advertising.

"It would be relevant, the message sort of being: 'If you want to be like the District of Columbia, if you want the crime rate to be like the District of Columbia's, then pass a gun ban like the District of Columbia,'" he said.

The NRA's newspaper ad—titled "How many must follow in D.C's footsteps before they learn?"—showed a series of toes tagged in a morgue. It ran last month in The Washington Post and in the D.C. regional edition of U.S. News & World Report. NRA leaders said they had no plans to continue running that ad.

NRA officials declined to reveal the cost of their media-advertising campaign but did say that Mr. Heston volunteered his services for the commercial.

NRA leaders also acknowledged the criticism they have received but offered some of their own. They said D.C. tourism officials should focus their energy on reducing the crime rate rather than stifling a presentation of the problem.

"I would think the tourism industry would be more concerned with the facts of the crime rate than an honest presentation of what the facts of the crime rate are," said Jim Baker, NRA director of federal affairs.

But tourism-industry leaders argued that their concern with the advertising was justified because the ads easily could cause a decline in visitors to the city and a subsequent increase in crime.

In his protest letter to the NRA, the local Hotel and Restaurant Employees Union chief, Ron Richardson, asks, "Are there no lengths to which you will go to present your misguided views?"

"When tourism goes down, we lose jobs," Mr. Richardson said in an interview. "And then you have kids with no jobs, and sometimes they feel they can only turn to crime."

Dierdre Daly, director of the D.C. Committee to Promote Washington, added, "I think the idea is to get us all together to see what can be done about the [NRA campaign] . . . which is defaming the reputation of the nation's capital.

The city also is forming a committee with government and tourism officials to find long-term solutions to the District's image problem, mayoral spokeswoman Lurma Rackley said. The panel, in the "start-up phase," was not designed to handle just the NRA campaign but rather the entire range of issues confronting the city's image, she said.

THE MAY 30, 1989, DISCOVERY OF SALVADORAN ARMS CACHE

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Madam Speaker, frequently a Member of this body has difficulty publicly speaking about important and controversial foreign policy and military matters, because

the relevant material is classified. That has frequently been the case of late with respect to many matters involving Central America. Today, this Member is pleased to have unclassified material to share on arms shipments to Salvador.

The recent discovery of a major insurgent weapons cache in San Salvador underscores the continuing commitment of Cuba and Nicaragua to support the guerrilla war in El Salvador. The cache—the largest ever captured by government forces—comprises a wide variety of modern Soviet-designed small arms and over a quarter of a million rounds of ammunition manufactured in Cuba as recently as 1988. The more than 300 AD-47 rifles were manufactured in North Korea and East Germany. The captured rocket propelled grenade launchers—RPF-18's and RPG-7's—were also of Soviet bloc manufacture; a number of them appeared to be in their original packaging. The machineguns found were of Yugoslavian origin. It is ever more apparent that the guerrillas are almost completely dependent on external sources of supply in order to wage war in El Salvador.

Havana and Managua have long been the principal supporters of the Salvadoran insurgents. Because the guerrillas lose far more weaponry and ammunition to the government than they capture, this external source of supply remains vital to the insurgents' ability to sustain their war effort. The bulk of the arms and ammunition used by the guerrillas continues to be provided by Cuba through Nicaragua. Managua's role consists primarily of providing transportation, warehousing, and coordination for deliveries of materiel bound for the insurgents. In addition, Cuba and Nicaragua serve as conduits for the shipment of supplies from other sources, allowing Havana and Managua to control the amounts and types of materiel sent to the guerrillas.

The pace of external supply has risen sharply in the last year and a half, as evidenced by this cache. Most shipments probably come by sea, and in 1988 the number of suspected seaborne deliveries almost doubled over the levels reached in previous years. These shipments have continued at a similarly high rate in 1989, and overland deliveries also appear to have accelerated. This expanded supply of the guerrillas almost certainly reflects a Cuban and Nicaraguan decision to replace the insurgents' previous mix of Western weapons and rearm and upgrade them with new Soviet-designed weaponry. This will increase even further the dependence of the guerrillas on their mentors in Havana and Managua, since Cuba and Nicaragua will be the only sure sources of the large amounts of ammunition, spare parts, and replacements needed by the insurgents for their new Soviet-style arms.

The government's capture of this large cache is a setback for the guerrillas, and it is indicative of the increasing professionalism and proficiency of the Salvadoran police force. Despite such government success, however, Cuba and Nicaragua have not shown any inclination to slacken their attempts to prop up the insurgents. Havana and Managua are continuing to underwrite the violence in El Salvador by serving as the critical logistics base and supply line for the insurgent forces.

□ 1800

AUTHORIZING PRINTING OF BICENTENNIAL PUBLICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

Mrs. BOGGS. Madam Speaker, today I am introducing four related resolutions to authorize the printing of four booklets as part of our overall commemoration of the 200th anniversary of the House of Representatives.

These publications include a book entitled "Origins of the House of Representatives: A Documentary Record" which brings together a number of the key documents and writings that relate to the establishment and nature of the House as an institution.

Two publications, "Women in Congress" and "Black Americans in Congress" are similar to booklets the Congress had prepared and published during the Bicentennial of the American Revolution in 1976. The original booklets were very popular and made important contributions to our celebration at the time. For more than a decade they have been out of print. We now propose to publish updated and better researched editions.

These three publications have been prepared under the direction of Dr. Raymond Smock by the Office of the Bicentennial.

The fourth publication, "The U.S. Capitol: A Brief Architectural History" was prepared under the direction of the Architect of the Capitol. It is a fine work that will contribute a great deal to the understanding and appreciation of this magnificent building by visitors as well as those who work here.

THE 75TH BIRTHDAY OF FIRST U.S. NAVY AERONAUTICAL STATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Madam Speaker, Pensacola is one of Florida's and the Nation's most historic cities. It is the cradle of naval aviation. A couple of years ago Pensacola was the site of the 75th anniversary celebration of naval aviation.

Pensacola Naval Air Station is almost as old as naval aviation itself and this coming November 16 we will celebrate again—this time the 75th birthday of the Nation's first U.S. Navy aeronautical station. I am sure Pensacola will again stage a great celebration and will have the welcome mat out for all who would like to share in another top notch event for our Navy.

About 125,000 naval aviators have earned their wings of gold at Pensacola since Lt. Comdr. Henry C. Mustin came on the scene to establish the naval air station 75 years ago. Mustin arrived with his pioneering airmen aboard the U.S.S. *Mississippi* which dropped anchor in Pensacola Bay. Nine officers and twenty three enlisted men disembarked and set up tent hangars for seven ungainly flying boats.

Actually, the Pensacola navy yard was established almost 100 years before, in 1824, and abandoned in 1911. But this was chosen to be the home of naval aviation because of the mild climate as well as the easily defended, landlocked bay and proximity to the Panama Canal and West Indies.

According to a recent editorial in the Pensacola News Journal Pensacolians really did not know that aboard the *Mississippi* on that January 10, 1914, was the entire aviation fleet of the U.S. Navy from Annapolis—then merely a primitive experimental project under the command of Mustin and Lt. John Tower.

Commander Mustin was ordered to plan for the Navy's future in the skies by establishing the Navy's first aeronautical station.

For the next 11 months, to the amazement of Pensacolians watching seaplanes over Pensacola Bay for the first time, Tower taught the navy birdmen to fly and maintain their rickety aircraft in tent hangars on the beach. Then, on November 16, 1914, the headquarters activities were shifted to the navy yard mainland, officially establishing the beginning of what would become the Pensacola Naval Air Station.

By the years of World War I, Pensacola NAS was the largest aeronautical station in the world. By the 1940's, NAS was a key training installation for World War II. And today NAS retains its claim as the cradle of naval aviation.

Thus, November 16, 1989, will be recognized as the official anniversary, complete with a logo of the "Cradle of Naval Aviation" made official by the Secretary of the Navy. Besides designing the official logo, the Pensacola Engraving Co., publisher of the Pensacola NAS newspaper, Gosport, will publish a 200-page pictorial history of the air station for the November commemoration.

Doubtless this anniversary period will be a time for the Navy to showcase NAS and its long and varied history. And certainly it will be an opportu-

nity for Pensacolians to join with the Navy in expressing appreciation for this long heritage that has taken naval aviation from its infancy in those canvas-covered wood seaplanes on pontoons lifted by sputtering gasoline engines to the year of supersonic jet flying worldwide.

The naval air station has provided Pensacola with a long and proud association with the development and pilot training of the Navy's age of flight. And thousands who've trained here as pilots and aircraft crewmen served our Nation in two World Wars, the Korean conflict, Vietnam, and during international emergencies.

We should mark this important anniversary with a celebration befitting the scope of the development of naval aviation. While it might not now appear to have the magic of the national 75th celebration in 1986, this one belongs exclusively to Pensacola.

And this community should join our Navy neighbors in tribute for having given this town a proud legacy during 75 eventful years.

And, we hope, with the coming of the operational carrier U.S.S. *Kitty Hawk*, many many more.

INTRODUCTION OF LEGISLATION TO REPEAL THE WRIGHT AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Madam Speaker, 10 years ago, a section was included in the International Air Transportation Competition Act to prohibit commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. The section, known as the Wright amendment, should never have been allowed to be included in the law. It is egregious, anticompetitive and unconstitutional. That section of the law must be eliminated.

Therefore, today I am introducing legislation to repeal the Wright amendment. The Wright amendment is unreasonable and arbitrary in its structure. It allows travel to Love Field only from points in Texas, as well as points in Louisiana, Oklahoma, Arkansas, and New Mexico, the four States contiguous to Texas.

It permits direct service from New Orleans and Albuquerque to Dallas Love Field (425 miles and 595 miles respectively) but does not allow such service from Wichita to Love Field. The amendment does not even permit connecting, or through, service. If a passenger wanted to travel from Wichita to Dallas Love Field, they would be required to purchase a roundtrip ticket to a connecting city in one of the four contiguous States, such as Tulsa, and then purchase a separate second roundtrip ticket from Tulsa to Dallas. Carriers are further prohibited from providing joint ticketing with another air carrier, known as interline service.

Currently, Southwest Airlines, a low-cost carrier, is the only commercial air carrier providing jet service to Love Field. Fares to Dallas are much higher from cities that cannot receive direct service to Love Field by Southwest, as this lack of direct service allows the major carriers flying to D/FW to charge a higher price.

For example, on July 1, an individual could purchase a "7-day advance fare" from New Orleans to Dallas for $118 on Delta Airlines, American Airlines or Southwest. Although Delta and American serve D/FW and Southwest serves Love Field, the fares are the same as a result of the market competition from Southwest.

However, an individual purchasing the same "7-day advance fare" from Wichita to Dallas, a route which does not have the benefit of direct service by a low cost carrier like Southwest, must pay $218 on Delta or American. And while unrestricted fares to Dallas from New Orleans range from $138 to $164, they cost $520 from Wichita. Keep in mind Wichita is closer to Dallas than New Orleans. In addition, Dallas is the highest market of travel from Wichita, so it is unlikely the higher fare could be the result of a low number of passengers traveling on that route.

It is clear that fares are significantly lower in markets where Southwest competitively provides direct service to Dallas than they are in markets which do not have such competition from the low-cost carrier. Repealing the Wright amendment will open up competition, reducing rates to competitive levels, and substantially increasing business between markets.

That, after all, is what Congress intended to accomplish by passing the Airline Deregulation Act of 1978. It's time to eliminate this special interest section of law, so that the people of this Nation have competitive access to interstate travel as protected by the Constitution. It's time to repeal the Wright amendment. I urge my colleagues to join me in this effort.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1056, FEDERAL FACILITIES COMPLIANCE ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-149) on the resolution (H. Res. 202) providing for the consideration of the bill (H.R. 1056) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, which was referred to the House Calendar in order to be printed.

MILITARY EDUCATION: EDUCATING STRATEGISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Madam Speaker, this is a continuation of a series of addresses that I make to this House concerning military education. I am the chairman of a panel on military education of the Committee on Armed Services.

All last year we conducted a series of hearings, some 28 in all, with 48 witnesses, interviewed some 100 individuals, to see what we could do about making military education, that is, the education of our military leaders and future military leaders, all the better.

This afternoon I wish to speak about the subject of educating strategists. A major part of our panel's effort was directed at assessing how well the current professional military education system encourages strategic thinking and the developing of strategists. The panel's focus on strategy was prompted by the perception of shortcomings in the formulation and articulation of American strategy and a concern about whether the professional military education system is nurturing officers as it did in the past, particularly between World War I and World War II, who can contribute to both the development and execution of U.S. military and national security strategy.

Although the panel does not necessarily agree with those who criticize U.S. strategy, it does believe that our strategy is too important to leave to chance. Recognizing that the information of a national strategy is essentially a political process, the panel nonetheless believes that well-educated military officers who can think strategically have an important contribution to make to the development of strategy, and that there is an overwhelming need for the military education system to improve its contribution to strategic thinking.

We can go back to the days of World War I and look at those well-educated military officers who thought strategically and did make an outstanding contribution, and we can list names like George C. Marshall, Omar Bradley, and the like, who fit in that category.

In the past, geography and technology enabled our country to wait until wartime to draw upon the strategic vision of its military leaders. However, the era of violent peace that emerged after World War II and is now with us has created a need for military officers who can contribute their strategic vision during peacetime.

The panel, by its emphasis on strategy, intends to underscore the fact that the development of officers who can think strategically is as vitally important to American security as effective weapons systems and adequate supplies of munitions are.

Critics of U.S. strategic thinking often point to specific incidents involving the use of military force or to issues concerning the linkage between military force and our national goals. Some good examples of this are the American experience in Vietnam, the concern that United States military capabilities are inappropriately skewed toward unlikely contingencies,

the belief that inadequate attention is paid to the arms-control implications of defense policy, the lack of attention paid to affordability of weapons systems or force structure and the tendency for the annual defense debate to focus on the number of fighters and the number of tanks and the number of frigates and the numbers of submarines with too little consideration of how individual systems contribute to either our military capability or to our overall-security objectives, meaning national strategic thinking.

□ 1810

Historically, according to some scholars, the formation and execution of U.S. military policy has been hindered by a difficulty in clearly linking military policy with strategic perspective. This school sees the American tradition of pragmatism as impeding strategic thinking.

Strategic thinking requires the connection of diverse but interrelated issues into a systematic pattern. In the panel's view, a related problem has impeded a more noteworthy contribution to the strategic thinking by U.S. military officers. Service interests, unleavened by a larger perspective, have tended to dominate the development of U.S. military policy.

A major objective of the Goldwater-Nichols Act is to encourage the larger perspective on the part of the military officer corps.

Does a professional military education still nurture strategic thinking? Does our military spend so much time studying tactics and weapons systems that there is no time for strategic thinking? A fundamental concern that contributed to the panel's focus on strategy is the perception that Hiroshima and Nagasaki marked not only the dawn of the nuclear era, but also a beginning of the decline in the contribution of military officers to the development of U.S. strategy.

With few exceptions, military officers have been absent from the ranks of the most prominent post-World War II strategic thinkers. Maxwell Taylor, I might add a fellow Missourian, is one of those exceptions, fortunately.

In this respect, the last 40 years differ from the more distant past. The United States has been blessed during its history with military leaders who are also outstanding strategic thinkers, the father of our modern strategy; Alfred Thayer Mahan, the architect of victory during World War II, George C. Marshall; the main person responsible for the theoretical basis of today's NATO strategy of flexible response, Maxwell D. Taylor. Each of those officers, one an admiral and two generals made a profound and lasting contribution to national security by stimulating debate over U.S. strategy or by sound and imaginative strategic advice to American political leaders.

The panel appreciates that the basic formulation of a national security strategy, of which military strategy is only one component, is essentially a political process. They point out, Mr. Speaker, that the 1930's appears to have been a relatively high water mark for the education and development of military thought in our country.

Many retired officers who we interviewed pointed out that prior to World War II, attendance at intermediate or senior military school was considered a necessity of duty, and even in many cases a reward. Many renowned World War II military leaders, such as Eisenhower, Nimitz, Arnold, and Bradley attended a senior professional military school. Admiral Halsey, affectionately known in history as "Bull" Halsey, who successfully commanded in the Pacific during World War II an amphibious campaign against the Japanese, attended both the Army War College and the Navy War College. A subsequent assignment as a faculty member was a highly prized duty that was reserved only for the best officers. That is what it ought to be today. Unfortunately, in so many instances, it is not.

Both national security strategy and national military strategy focus on the relationship between the means and the end. But the former, that is the national security strategy, encompasses a wider range of factors.

For purposes of our discussion today, let us look at the definitions. National military strategy is the art and science of employing the armed forces of a nation to secure the objectives of national policy by the application of force or the threat of force. National security strategy is the art and science of developing and using the political, economic, and psychological powers of a nation to get together with its armed forces during peace and war to secure national objectives.

On a lower rung there is the area of warfare known as operational art, which those of us outside the military refer to as theater warfare. Operational art is the employment of military forces to obtain strategic goals in a theater of war or theater of operations through the design, organization, and conduct of campaigns and major operations.

Yet another lower level of this is that of tactics. Tactics involves smaller military units; for example, an army company or even an entire corps in the achievement of specific battlefield objectives. How to take the hill, to go around it or up it? Tactics then, in contrast to operational art, that is theater art, focuses on a narrower, more specific range of goals.

Let us look at the attributes, Madam Speaker, of a strategist. Scholars have long remarked about the educational and professional diversity among innovative strategists such as Clausewitz, Mahan, Brodie, and Kahn. Given this notable diversity, do strategists have any shared attributes? John Collins, who we know as a senior specialist in national defense at the Library of Congress, has written that strategists, despite diverse backgrounds, generally do share a common set of attributes. Many of the characteristics he identifies are also mentioned by other witnesses in our panel hearings.

First, a true strategist must be analytical. Second, a strategist must be pragmatic. Third, a strategist must be innovative. Fourth, and very important, a strategist must be broadly educated.

Few officers possess all of these attributes. It is rare to find individuals capable of a high degree of conceptualization and innovation, attributes that most distinguish the theoretical from the applied strategist. Unfortunately, the objective of the professional military education system is not the creation of a large pool of military officers who are strategists on the order of Mahan. In the view of the panel, only a small number of genuine, theoretical strategists are needed.

In World War II we did not need too many George C. Marshalls. Fortunately for ourselves and the world, he was there.

□ 1820

Madam Speaker, the next question is how do we develop strategists?

In attempting to answer the question of how strategists are developed, the panel found it necessary to address four questions:

How important is education?

What type of education is relevant?

What are the roles of PME schools as compared to other institutions?

What type of faculty is needed?

The panel believes that the answers to each of these questions are important for optimizing the contribution of education to the development of strategists.

In the panel's view, the selection, assignment, and education systems need to be better coordinated in order to maximize the inherent synergy of these three factors.

Innate talent probably is the most fundamental component for the development of a strategist. Officers who are intelligent, imaginative, articulate, and interested in studying strategy must be identified as early as possible during their careers so that their development can be facilitated by appropriate personnel policies.

Talent alone is insufficient; it must be reinforced by both appropriate experience and relevant education. A former Army Chief of Staff told the panel that both assignments and

schooling help to build on the natural abilities of potential strategists. The development of a strategist such as Gen. George C. Marshall was, in his view, the result of Marshall's being taught to think broadly; and second, taking the time to read extensively and reflect on the reading. In a similar vein, former Director of the National Security Agency, stressed that in addition to the academic foundation provided by the PME system, future strategists also need firsthand experience in how the real world works.

The broad goals of the educational system that must nurture the development of strategic thinkers are closely related to the attributes of a strategist discussed earlier.

The third educational building block is an understanding of the relationship between the disciplines of history, international relations, political science, and economics. Each of these disciplines is critical to the formulation of strategy.

The first educational building block in the development of a strategist is a firm grasp of an officer's own service, sister services, and joint commands. To the extent such expertise can be obtained through education, it must be found in PME schools. Furthermore, officers seeking to develop their capacity for strategic analysis must remain professionally current, that is, keep up with the rapid pace of technological change.

The second educational building block for strategists is a clear understanding of tactics and operational art. Knowledge in the employment of combat forces is a prerequisite to the development of national military strategy. Furthermore, those military strategists who can contribute to the formulation of national security strategy should also possess expertise in the various skills required to employ combat forces.

Original and independent strategic thinkers can be shaped and molded by a variety of educational experiences, but PME must be an important part of these diverse experiences.

The panel also recognizes that there are several military education and research programs that both use and contribute to the development of strategy and military strategists. The Army's Strategic Studies Institute, the Navy's Strategic Studies Group, and the National Defense University's Strategic Concepts Development Center can be valuable programs.

I next go to what type of faculty is needed.

The nature and caliber of faculty are keys to the development of strategic thinking and true strategists. The panel found that faculty quality at PME schools varies significantly and needs to be improved.

The panel's hearings suggest the faculty of such schools should consist of a select mix of civilian scholars, active duty military officers, and a few retired senior military commanders.

Active duty or retired military officers with actual experience in the strategic arena are also needed at senior PME schools that focus on strategy.

Madam Speaker, let us look at the issue of strategy instruction at professional military education schools.

Earlier portions of our report identified the attributes of strategists, and elaborated on the role of education in their development. This section assesses the adequacy of the existing strategy curricula at the five senior PME schools.

The panel's review of senior war college syllabi suggested that the curricula of each war college are not focused enough in general and not enough on strategy specifically. This conclusion is consistent with the testimony of a number of witnesses, including John Collins and Prof. Williamson Murray, both of whom remarked on the lack of depth in the war college strategy curricula. Of course, breadth and depth are two sides of the same coin: the scope of a curriculum has a direct impact on its depth. Collins, a retired Army colonel and a national defense specialist at the Congressional Research Service, testified that:

> Time is the critical constraint in multipurpose U.S. military colleges, which must cover many subjects besides strategy during a 10-month academic year. The best they can hope for is breadth, but not depth. Every course is an introductory survey that allows little time to study strategic matters or current U.S. strategies, much less debate merits and compare alternatives. The National, Army, and Air War Colleges, in search of time, have long strained to stretch each academic day.

Let us now turn our attention to the proposed National Center for Strategic Studies.

The panel strongly supports the proposal of Adm. William J. Crowe, Jr., Chairman, JCS, advanced during his testimony before the panel. Admiral Crowe suggested that a National Center for Strategic Studies be established at Fort McNair in Washington, DC, where selected senior military officers, high-level Government officials, congressional staff members, and private sector media, labor, industry, and other leaders could be brought together to research and study national strategy. The Center would be made up of four components: a revamped National War College with its year-long program of study adapted to focus on national security strategy and to accommodate a smaller number of more senior, highly select officers; a "think tank" for the study and formulation of national security and national military strategy; the Capstone course; and an institute for conducting seminars, symposiums, and workshops in strategy for both the public and private sectors.

Currently, formal study in PME schools ends at the war college level—at the rank of colonel/Navy captain. The only significant, formal education program above that level is the Capstone course.

This would change that.

The French senior-level schools which our panel visited, and we also had an extensive briefing at, provides some excellent insights into how the center proposed by Admiral Crowe might be structured.

□ 1830

I think we should take a good look at that. During the panel hearing at the Navy War College, we requested that the Strategy Department propose a course of study for future flag and general officers to develop their capacity for strategic thought. The proposal would require students to formulate strategies of their own in preparation for the time when they may be involved in strategic thinking in the real world.

We will now look at strategy-related studies. In addition to providing higher education and strategic studies and related subjects, the mission of the National Center for Strategic Studies should be to conduct strategy-related studies for the Chairman of the Joint Chiefs of Staff, the Secretary of Defense and other senior executive branch officials. Research should focus at the national level, including the economic, military, and political elements of national power in peacetime, in crisis, and in war. We also would like to have, as part of this National Center for Strategic Studies, a true cross section of leaders, civilian leaders, which I touched upon before, to be in attendance at least on a part-time basis. This has served the French and their example well, and I think it would serve Americans as a nation quite well, as the case may be.

Now we will look at managing this scarce resource, that of strategic thinkers. The defense establishment that seeks to encourage the development of strategists must ensure that this scarce national resource is used in the most effective manner possible, and truly, Madam Speaker, strategic thinkers are a scarce commodity. Currently only two service personnel systems, the Army and the Navy, specifically identify officers who have educational experience in the area of strategy. Only the Navy has a system for monitoring and assigning officers for strategic billets. Both the Air Force and the Marine Corps consider assignments on the basis of experience and review of personal records, but neither specifically attracts and assigns officers based on strategically related education or strategically related experience.

In conclusion, the panel believes that each service should have a personnel management system to develop, to monitor, and to assign officers for service and joint billets that would benefit from an officer with expertise in strategy. The Chairman of the Joint Chiefs of Staff should ensure that the need for a joint departmental and national level organization for strategists is met. Positions requiring strategists should be so designated by the joint duty assignment lists, including some critical joint duty assignment positions. Further, manning the key strategy positions should be closely monitored. Finally, there should be a conscious effort to develop and designate JSO strategists and joint service officers who would function primarily at the national, department and joint staff level. They should be among the best military thinkers and listeners available to the President or to the Secretary of Defense and Chairman of the Joint Chiefs of Staff. Their service and joint experience, coupled with advanced education of which we have been discussing, should prepare them to occupy important positions on the National Security Council staff or at the State Department or in the Office of the Secretary of Defense on their joint staff.

Several recommendations came out of this portion of our study, and the panel's study and hearings. Recommendation No. 1, the military departments' selection, assignment and education systems need to be better coordinated in order to optimize the development of strategists. No. 2, two educational building blocks in the development of strategists' knowledge of an officer's own service, sister services in joint commands, and understanding tactics and operational art, can be provided for only by military schools. No 3, the National Center for Strategic Studies, as proposed by the Chairman of the Joint Chiefs of Staff, should be established. No. 4, the revamped National War College, which as Members know is the proposed National Center for Strategic Studies, should focus on national security strategy. The service war colleges, such as the Army, Navy, and Air War Colleges, that is the senior war colleges, should make national military strategy their primary focus. No. 5, the faculty teaching strategy should consist of civilian educators, active duty, and retired military specialists and former senior military officers to ensure that students have access to the depth of knowledge that only a career of similarity in a particular area can produce, respected civilian educators who are recognized experts in specific disciplines relating to the teaching of strategy should be faculty members at senior schools. Active duty and retired military officers with actual experience in the strategic arena are also needed for strategy instruction. Recommendation No. 6, the Chairman of the Joint Chiefs of Staff should sponsor a yearly conference hosted by the revamped National Air College, or as we shall call it, the National Center for Strategic Studies, to discuss the best individual studies or strategy in related subjects, produced throughout the year, including study groups, students, and faculties of the five senior professional military educational colleges. Last, No. 7, each service should have a personnel management system to develop, to monitor, and to assign officers to service and joint billets, that would benefit from an officer with an expertise in strategy. These are things that must be done.

I am convinced that the result of steps taken by the Chairman of the Joint Chiefs of Staff, Adm. William Crowe, when he has appointed retired Adm. Robert Long, a very distinguished American, to study these proposals, especially those concerning the development of strategists or a strategic thinker, and how this can be done through the National Center for Strategic Studies, I think that as a result of Admiral Crowe's appointment to this Long committee, we will see some positive things come out of it, and we look forward to their thoughts and their review.

Madam Speaker, this is another in a series of discussions that we will have here on the floor of the House concerning military thinking, concerning strategy, and concerning military education.

THE LACK OF JAPANESE CONSUMER CULTURE

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madame Speaker, I came across a very interesting article the other day in the State Government News regarding Japan's business culture. If the article is correct, American business could find still more frustration in Japan and Americans can over here if Japanese interests take over much more of our industry and real estate.

The author of the article, an excerpt from the new book, "More Like Us: Making America Great Again," Mr. James Fallows, points to a variety of factors in explaining the nature of Japan's consumer society.

The essential point he reaches is that Japan's leaders discourage actions to encourage consumption and promotes producers' interests. What exists is a country devoid of competition where prices are set, not by the market, but by the companies in cooperation with each other. I would like to highlight some of the examples he gives.

First, Mr. Fallows notes that Japan's business relationship is historically anticonsumer. He writes,

> For most of its history, the United States has behaved more or less in accordance with the proconsumer capitalist model. Japan, has not. The welfare of its consumers has consistently taken second place to a different goal: preserving every person's place in the productive system. The reward of working hard in Japan is to continue to be able to work.

We must question the meaning of this heavily weighted producer-protection society for our country. Is this a system that Americans can easily cooperate with? Or, is it a system that Americans need to understand in order to meet the challenge of Japanese economic imperialism? What exists here is a clash in perspective over the role of business in society and that must be recognized.

America's tradition has, at least in this century, been one where those obtaining wealth are, and feel obligated, to ensure the welfare of society as a whole. In Japan, a country with vastly different, if not contrary ideas, this is simply not the case. With the wave of Japanese investment sweeping this Nation, I think it is important that we recognize that there will inevitably be some transfer of these attitudes from Japan to its subsidiaries in this country.

Let me continue with the Fallows article. He notes, "Japan has consistently protected its producers * * * at the expense of all the Japanese consumers, who must pay exorbitant prices for everything they buy."

Mr. Fallows is describing what I would like to call consumer bashing. Consumer bashing implies the elimination of a consumer's right to choose the best products at the best prices. The citizens of Japan have been robbed of one of the most basic consumer freedoms, that of choice, and we must ask ourselves whether or not this is the future for America as well.

Consumer bashing practices in Japan have been expanded to fit into the international realm. The article continues:

> Right-thinking Americans know that monopolies and cartels are bad. They stifle competition and therefore short change the consumer. The United States grudgingly protects only natural monopolies like the electric system—and in the name of consumer welfare even broke up the seemingly natural telephone monopoly. Japan likes cartels and some monopolies, because they strengthen Japanese producers against the world.

What he is suggesting is that Japan believes that it must collude to survive. That is indeed a frightening statement. What makes it so dangerous is the link that this collusion has to the assault that Japan has launched on industries in America.

I would like to point out that Japan has consistently demonstrated this creed in its business practices and, frankly it has obtained dramatic results in capturing markets worldwide. For Japanese companies, this policy has resulted in unprecedented growth and, on paper, things could not be better. But, like everything else, this too has had a price. It is the Japanese consumer, in whose name all of these activities are perpetrated, who has been forced to bear the cost of corporate expansion. The Providence Journal of May 5, 1989, puts it very well when they write about Japan's political and business environment,

It results in an intricate web of price supports, tax subsidies, special benefits, targeted incentives, discretionary guidelines, and the like. In short, a perfect environment for favoritism, patronage, influence peddling, bribery and extortion.

The results of this policy on the Japanese people are very sad. Crowded conditions are a way of life, suburbs and cities are cut to pieces by thousands of miles of electric railways. Japanese schoolchildren are forced to attend schools in the dead of winter with no heat. The idea of owning a home in Japan is often passed off as a cruel joke. Japanese often lament the fact that being able to see Mt. Fuji from Tokyo, once a regular occurrence, is now a rare and special experience. The reason for this lament is the massive air pollution which clouds the once clear sky.

Are we glimpsing a vision of America's future?

I spoke almost a year ago about the impact of Japanese grants, lobbying, and other activities on the decision making processes of this country. Now, a year later what is happening? From what I can surmise, more of the same. Japan's purchases of America's assets go on at an increasing rate and more and more jobs and regions become tied into Japan's incredible money machine. If Japanese companies intend to practice the same policies in America that they do in Japan then the future is indeed bleak.

It is clear that Japan's anticonsumerism is embedded in the policy of its leaders, and in national institutions.

Despite the pledges of former Prime Minister Nakasone to shape Japan into a more consumer oriented nation, the policies of the ruling party, the LDP have worked to encourage just the opposite. The most recent example of this was demonstrated this past April, when Japan's ruling party passed into law a 3-percent consumption tax.

Amazingly, the tax was structured so that luxury items now cost less while everyday essentials such as train and bus passes, food, and clothing now cost more.

This represents yet another obstacle in the path of making Japan a responsible member of the trading community. The Government of Japan must take real steps to end anticonsumerism and promote the interest of its people. Japan's barriers to market entry are already severe. Why is it that companies that have the strength to penetrate these barriers must face additional problems due to an economy that is too poor to purchase. Make no mistake, these barriers can be lifted if only Japan's power brokers are willing to let go of their greed.

But the facts are that power elite in Japan control everything. If consumers in Japan were to obtain the urge to buy, they would open up the Pandora's box for the corporate elite, demand for higher wages, more leisure time, and a freer society, all of which Japanese corporations object to because they have built their productivity on the back of their people. A consumer society would destroy that control.

Elimination of consumer bashing in Japan is in the world's interest, and it is in the interest of the people of Japan.

End this flood of investment money on which this country is currently relying. If it does not, then Japan in America will become a way of life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at the request of Mr. VISCLOSKY), for today, on account of family matters.

Mr. RIDGE (at the request of Mr. MICHEL), for today and tomorrow, on account of personal reasons.

SPECIAL ORDERS GRANTED

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

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

Mr. BEREUTER, for 5 minutes, today.

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

Mrs. BOGGS, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. SKELTON, for 60 minutes, today.

Mr. LIPINSKI, for 60 minutes, on July 20.

EXTENSIONS OF REMARKS

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

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

Mr. BROOMFIELD.

Mr. SOLOMON.

Mr. PURSELL.

Mr. CLINGER.

Mr. DONALD E. "BUZ" LUKENS.

Mr. CONTE.

Mr. WEBER.

Mr. DORNAN of California.

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

Mr. TRAFICANT in two instances.

Mr. SKELTON in three instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. RAY.

Mr. WALGREN in two instances.

Mr. FLORIO.

Mr. DOWNEY.

Mr. MATSUI.

Mr. GLICKMAN.

Mr. DINGELL.

Mr. CLAY.

Mr. MILLER of California.

Ms. OAKAR.

Mr. EDWARDS of California in two instances.

Mrs. BYRON.

Mr. FAUNTROY.

Mr. BONIOR.

Mr. KOSTMAYER.

Mr. VENTO, and to include extraneous matter in the Committee of the Whole on H.R. 828, today.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and Senate resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 326. An act to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions; to the Committee on House Administration.

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day;" to the Committee on Post Office and Civil Service.

S.J. Res. 132. Joint resolution designating September 1 through 30, 1989 as "National Alcohol and Drug Treatment Month;" to the Committee on Post Office and Civil Service.

S.J. Res. 174. Joint resolution to designate July 20, 1989, as "Space Exploration Day;" to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and

found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the Act for existing agency matching programs; and

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

BILLS PRESENTED TO THE PRESIDENT

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

On July 14, 1989:

H.R. 1722. An act to amend the Natural Gas Policy Act to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 18, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1451. A letter from the Deputy General Counsel, Department of the Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reduction; to the Committee on Armed Services.

1452. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 157 of title 10, United States Code, to authorize Government transportation for certain members of the uniformed services and Federal civilian employees, and the dependents of such members and employees, in areas outside the United States where public or private transportation is unsafe or not available; to the Committee on Armed Services.

1453. A letter from the Chairman; Board of Governors of the Federal Reserve System, transmitting a report on the actions taken and progress made by the Board to implement funds availability schedules, and their impact on consumers and depository institutions, pursuant to Public Law 100-86, section 609(d)(1)(A) (101 Stat. 648); to the Committee on Banking, Finance and Urban Affairs.

1454. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend sections 106 and 212 of the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia (hereinafter in this act referred to as "the District") for water and sanitary sewer services they receive; to the Committee on the District of Columbia.

1455. A letter from the Secretary of Education, tramsmitting a notice of Final Priorities for fiscal years 1989 to 1990—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1456. A letter from the Secretary of Education, transmitting a report on the Department's progress in controlling federally imposed paperwork on the education community and coordinating activities of Federal agencies that collect education information, pursuant to 20 U.S.C. 1221-3(f); to the Committee on Education and Labor.

1457. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1458. A letter from the Vice President, Farm Credit Bank of Springfield, transmitting the Banks annual retirement plan for the period January 1, 1988, through December 31, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1459. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments to OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1460. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1461. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize a portability of benefits for employees of nonappropriated fund instrumentalities of the Department of Defense when such employees move to the civil service system, and for other purposes; to the Committee on Post Office and Civil Service.

1462. A letter from the Acting Administrator, General Services Administration, transmitting copies of several prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1463. A letter from the Acting Director, Office of Science and Technlogy Policy, transmitting the "Science and Technology Report 1985-1988", pursuant to 42 U.S.C. 6615(a); to the Committee on Science, Space, and Technology.

1464. A letter from the Director, Federal Home Loan Bank Board, transmitting the Board's annual report on the agency's efforts to prevent unfair and deceptive trade practices in the thrift industry, pursuant to 15 U.S.C. 57a(f)(6); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

1465. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1466. A letter from the Under Secretary, Department of the Treasury, transmitting notification of the determination that the current permanent debt limit will be sufficient only until early August, and that in the absence of a debt limit increase by that time, Treasury will be unable to invest or roll over maturing investments of trust funds and other Government accounts, including the Civil Service Retirement and Disability Fund of the Federal Employees' Retirement System, pursuant to 5 U.S.C. 8348(1)(2), 8348(i)(2); jointly, to the Committees on Post Office and Civil Service and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[Submitted July 14, 1989]

Mr. CONYERS: Committee on Government Operations. H.R. 1326. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1990, and for other purposes; with amendments (Rept. 101-44, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 17, 1989]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 875. A bill to expand the boundaries of the Fredericksburg-Spotsylvania National Military Park near Fredericksburg, VA; with amendments (Rept. 101-144). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 919. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit. (Rept. 101-145). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 952. A bill 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; with an amendment (Rept. 101-146). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2799. A bill to amend the Agricultural Act of 1949 to allow the planting of alternate crops on permitted acreage for the 1990 crop year; with amendments (Rept. 101-147). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL Committee on Agriculture. H.R. 876. A bill to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural historical, cultural, and outdoor recreational heritage, and for other purposes; with amendments (Rept. 101-148). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 202. Resolution providing for the consideration of H.R.

1056, a bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities (Rept. 101-149). Referred to the House Calendar.

Mr. TRAXLER: Committee on Appropriations. H.R. 2916. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes. (Rept. 101-150). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANDERSON (for himself (by request), Mr. HAMMERSCHMIDT, Mr. BOSCO, and Mr. PETRI):

H.R. 2904. A bill to authorize construction and equipment of a fireproof building for the House Publications Facility, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. BYRON (for herself, Mr. DYSON, Mr. COMBEST, Mr. BATEMAN, Mr. GOODLING, Mr. VALENTINE, Mr. STENHOLM, and Mr. MCCOLLUM):

H.R. 2905. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to encourage mediation and conciliation prior to bringing rights of action under that act, to permit reasonable attorneys' fees in certain cases in which a final order is entered in favor of the defendant, and for other purposes; to the Committee on Education and Labor.

H.R. 2906. A bill to amend the Legal Services Corporation Act to strengthen the provision relating to the payment of attorneys' fees; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 2907. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to direct the Secretary of the Treasury and the Secretary of Health and Human Services to reduce premiums imposed under the Medicare Catastrophic Coverage Act of 1988 if the estimate of revenues derived from such premiums exceeds the estimate of costs of benefit improvements under such Act by 10 percent or greater; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. FASCELL:

H.R. 2908. A bill to amend the National Flood Insurance Act of 1968 to provide for the appropriate treatment under the National Flood Insurance Program of coastal areas with distinctive flooding and to provide for training of local officials with respect to the Flood Insurance Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BRUCE:

H.R. 2909. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. FLIPPO:

H.R. 2910. A bill to reduce temporarily the duty on certain frozen carrots; to the Committee on Ways and Means

By Mr. GLICKMAN (for himself, Mr. SUNDQUIST, Mr. ROBERTS, Mr. SLATTERY, Mr. WHITTAKER, Mrs. MEYERS of Kansas, and Mr. FORD of Tennessee):

H.R. 2911. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Public Works and Transportation.

By Mr. MCNULTY (for himself and Mr. EMERSON):

H.R. 2912. A bill to provide for the design and construction of a Goddess of Democracy Statute, and for other purposes; to the Committee on House Administration.

By Mr. MANTON (for himself and Mr. LENT):

H.R. 2913. A bill to amend the Federal Water Pollution Control Act to mitigate the effects of pollution discharges into estuaries and oceans; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. RANGEL:

H.R. 2914. A bill to provide for the retirement of all $100 Federal Reserve notes and the replacement of such notes with new $100 Federal Reserve notes of a different design; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHEUER:

H.R. 2915. A bill to amend the Immigration and Nationality Act to permit certain nationals of the People's Republic of China to adjust their status to that of aliens lawfully admitted to the United States for temporary residence; to the Committee on the Judiciary.

By Mr. MADIGAN:

H.J. Res. 366. Joint resolution to recognize the 20th anniversary of Governors State University; to the Committee on Post Office and Civil Service.

By Mrs. BOGGS:

H. Con. Res. 167. Concurrent resolution authorizing the printing of the book entitled "Women in Congress"; to the Committee on House Administration.

H. Con. Res. 168. Concurrent resolution authorizing the printing of the book entitled "The U.S. Capitol: A Brief Architectural History"; to the Committee on House Administration.

H. Con. Res. 169. Concurrent resolution authorizing the printing of the book entitled "Origins of the House of Representatives: A Documentary Record"; to the Committee on House Administration.

H. Con. Res. 170. Concurrent resolution authorizing the printing of the book entitled "Black Americans in Congress"; to the Committee on House Administration.

By Mr. GAYDOS:

H. Res. 203. Resolution expressing the sense of the House of Representatives regarding the hometown hero project of the Congressional Medal of Honor Society; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

199. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to measures to bring about a fair settlement between the UMWA and the Pittston Coal Group, Inc.; to the Committee on Education and Labor.

200. Also, memorial of the Legislature of the State of California, relative to the Medicare supplemental surtax; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

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

H.R. 8: Mr. PACKARD.

H.R. 45: Mrs. UNSOELD.

H.R. 48: Mr. WAXMAN.

H.R. 83: Mr. GOODLING.

H.R. 84: Mr. SHAW.

H.R. 118: Mr. SMITH of New Jersey, Mr. DOUGLAS, and Mr. HASTERT.

H.R. 239: Mr. KOSTMAYER.

H.R. 285: Mr. EVANS, Mr. LANTOS, and Mrs. BOXER.

H.R. 543: Mr. WYDEN and Mr. PALLONE.

H.R. 677: Mr. NOWAK, Mr. WOLPE, Mr. SHAYS, Mr. PRICE, and Mr. BOUCHER.

H.R. 775: Mr. SYNAR.

H.R. 780: Mr. DARDEN and Mr. ATKINS.

H.R. 885: Mr. WHEAT.

H.R. 916: Mr. FALEOMAVAEGA, Mr. HALL of Ohio, Mr. LELAND, Mr. NEAL of Massachusetts, Mr. TRAFICANT, Mr. KLECZKA, Mr. ROYBAL, Mr. SAVAGE, Mr. DIXON, Mr. TOWNS, Mr. OWENS of New York, Mr. MCNULTY, Mr. SAWYER, Mr. DELLUMS, and Mr. MINETA.

H.R. 996: Mr. SMITH of Mississippi.

H.R. 1095: Mr. ENGEL and Mr. TOWNS.

H.R. 1153: Mr. GINGRICH.

H.R. 1200: Mr. NAGLE, Mr. TAUKE, Mr. JONTZ, Mr. ROBERT F. SMITH, Mr. DIXON, Mr. ROGERS, Mr. HUNTER, Mr. BOSCO, Mr. MARTINEZ, Mr. ORTIZ, Mr. THOMAS of Georgia, and Mr. BUSTAMANTE.

H.R. 1295: Mr. HOCHBRUECKNER.

H.R. 1337: Mr. MARTINEZ.

H.R. 1416: Mr. WALKER, Mr. OLIN, Mr. DE LA GARZA, Mr. HALL of Texas, Mr. WHITTEN, Mr. MCEWEN, Mr. WISE, Mr. LENT, Mr. HERGER, Mr. PALLONE, Mr. LEHMAN of Florida, and Mr. BRUCE.

H.R. 1441: Mr. CARDIN, Mr. STARK, Mr. VALENTINE, Mr. SENSENBRENNER, and Mr. PALLONE.

H.R. 1476: Mr. WYLIE AND Mr. BOUCHER.

H.R. 1532: Mr. TOWNS.

H.R. 1545: Mr. GINGRICH.

H.R. 1561: Mr. UDALL and Mr. BRYANT.

H.R. 1574: Mr. FISH and Mr. TOWNS.

H.R. 1582: Mr. KASTENMEIER, Mr. FAUNTROY, Mr. DYMALLY, Mr. OWENS of New York, Mr. FLAKE, Mr. TOWNS, Mrs. COLLINS, and Mr. HAYES of Illinois.

H.R. 1649: Mr. GLICKMAN, Mr. HAMILTON, Mrs. UNSOELD, Mr. VENTO, and Mr. BOUCHER.

H.R. 1730: Mr. HOCHBRUECKNER and Mr. MADIGAN.

H.R. 1746: Ms. SCHNEIDER, Mr. NEAL of North Carolina, and Mr. ECKART.

H.R. 1808: Mr. WILSON.

H.R. 1875: Mr. SPENCE.

H.R. 1994: Mr. CONYERS, Mr. BATES, and Mr. GARCIA.

H.R. 2041: Mr. WILSON, Mr. DE LA GARZA, Mr. SMITH of Florida, Mr. TALLON, Mr. WHITTEN, Mr. PICKLE, Mr. TOWNS, Mr. LEWIS of Florida, Mr. THOMAS of Georgia, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. DARDEN, Mr. DERRICK, Mr. HUTTO, and Mr. LAGOMARSINO.

H.R. 2051: Mr. PALLONE, Mr. STUDDS, Mr. MOLLOHAN, Mr. STARK, Mr. QUILLEN, Mr. KENNEDY, Mr. BEVILL, Mr. PEASE, and Mr. AKAKA.

H.R. 2076: Mr. MORRISON of Connecticut, Mr. EDWARDS of California, Mr. PALLONE, and Mr. GEJDENSON.

H.R. 2083: Mr. MACHTLEY.

H.R. 2095: Mr. SKELTON and Mr. MOLLOHAN.

H.R. 2184: Mr. ROE, Mr. MATSUI, Mr. MCDERMOTT, Mr. WISE, Mr. KANJORSKI, Mr. GORDON, Mr. VENTO, and Mr. FOGLIETTA.

H.R. 2222: Mr. UPTON.

H.R. 2225: Mr. MCCURDY, Mr. OWENS of New York, Mr. POSHARD, Mr. EMERSON, Mrs. COLLINS, Mr. DELLUMS, Mr. FAUNTROY, Mr. CHAPMAN, Mr. TOWNS, Mr. WALGREN, Mr. DYMALLY, Mr. WHITTAKER, Mr. DEFAZIO, Mr. KANJORSKI, Mr. VENTO, Mr. KOLTER, Mr. KILDEE, Mr. WISE, and Mr. JONTZ.

H.R. 2226: Mr. OWENS of New York, Mr. POSHARD, Mr. EMERSON, Mrs. COLLINS, Mr. FAUNTROY, Mr. DELLUMS, Mr. CHAPMAN, Mr. TOWNS, Mr. WYLIE, Mr. WALGREN, Mr. DYMALLY, Mr. WHITTAKER, Mr. DEFAZIO, Mr. KANJORSKI, Mr. KILDEE, Mr. WISE, and Mr. JONTZ.

H.R. 2265: Mr. WOLF.

H.R. 2269: Mr. STENHOLM and Mr. JONES of Georgia.

H.R. 2302: Mr. CHAPMAN and Mr. MURPHY.

H.R. 2303: Mr. CHAPMAN, Mr. GOODLING, Mr. GRANDY, Mr. SHUSTER, and Mr. GAYDOS.

H.R. 2319: Mr. KOLTER, Mr. WALGREN, Mr. DICKS, Mr. YATRON, and Mr. RIDGE.

H.R. 2403: Mr. GARCIA, Mr. TRAFICANT, Mr. PAYNE of New Jersey, Mr. TRAXLER, Mr. CLINGER, Mr. RICHARDSON, Mr. YATES, and Mr. PEASE.

H.R. 2435: Mrs. MARTIN of Illinois, Mr. BURTON of Indiana, Mrs. COLLINS, Mr. LAGOMARSINO, Mr. FAWELL, Mr. FAUNTROY, Mr. CAMPBELL of Colorado, Mr. MORRISON of Washington, Mr. TOWNS, Mr. BILBRAY, and Mr. DYMALLY.

H.R. 2493: Mr. BUECHNER and Mr. CAMPBELL of California.

H.R. 2504: Mr. MOODY.

H.R. 2522: Mr. SHUMWAY.

H.R. 2532: Mr. BOSCO, Mr. WALGREN, Mr. MILLER of California, Mr. HUGHES, Mr. YATRON, Mr. KENNEDY, Mr. JONES of Georgia, and Mr. SANGMEISTER.

H.R. 2549: Mr. SYNAR and Mr. HAWKINS.

H.R. 2578: Mr. FAZIO.

H.R. 2596: Mr. DELLUMS, Mr. RUSSO, Mr. BILBRAY, and Mr. CLINGER.

H.R. 2649: Mr. ROE, Mr. DE LUGO, Mrs. BOXER, and Mr. KOLTER.

H.R. 2665: Mr. FAZIO, Mr. TOWNS, Mr. CLAY, Mr. KILDEE, Mr. ECKART, Mr. PERKINS, Mr. FORD of Michigan, Mr. VISCLOSKY, Mr. MILLER of California, Mr. GRAY, and Mr. GUARINI.

H.R. 2687: Mr. CHAPMAN.

H.R. 2693: Mr. EVANS.

H.R. 2695: Mr. ROE and Mr. ATKINS.

H.R. 2720: Mr. ACKERMAN.

H.R. 2732: Mr. ARMEY, Mr. HUTTO, and Mr. KOLBE.

H.R. 2756: Mr. MATSUI, Mr. FUSTER, Mr. HAWKINS, Mr. ROYBAL, Mrs. COLLINS, Mr. ATKINS, Mr. DYMALLY, Mr. RANGEL, Mr. STARK, Mr. FRANK, and Mr. KENNEDY.

H.R. 2764: Ms. KAPTUR and Mrs. MORELLA.

H.R. 2793: Mr. WALKER, Mr. PRICE, and Mr. ROE.

H.R. 2858: Mr. CROCKETT and Mr. MACHTLEY.

H.R. 2870: Mr. GARCIA, Mr. FRANK, Mrs. SAIKI, Mr. EVANS, and Mr. FLORIO.

H.J. Res. 47: Mr. FLORIO, Mr. LEWIS of Georgia, Mr. STUDDS, and Mrs. UNSOELD.

H.J. Res. 54: Mr. MILLER of California and Mr. BUSTAMANTE.

H.J. Res. 98: Mr. RUSSO and Mr. TRAFICANT.

H.J. Res. 104: Mr. LOWERY of California, Mr. RIDGE, and Ms. KAPTUR.

H.J. Res. 130: Mr. FAZIO, Mr. MATSUI, Mr. FLORIO, Mr. CARPER, Mr. BILIRAKIS, Mr. SMITH of Florida, Mr. NELSON of Florida, Mrs. SAIKI, Mr. POSHARD, Mr. SKEEN, Mr. PERKINS, Mr. ROBERT F. SMITH, Mr. HAMMERSCHMIDT, Mr. JONES of North Carolina, Mr. BRUCE, Mr. BLILEY, Mr. PACKARD, Mr. SHAW, Mr. BOSCO, Mr. NAGLE, Mr. TAUZIN, Mr. KOSTMAYER, Mr. SHUSTER, Mr. RAVENEL, Mr. TAUKE, Mr. MILLER of Ohio, Mr. GUARINI, Mr. RHODES, Mr. TRAXLER, Mr. FLIPPO, Mr. MILLER of Washington, Mr. BATEMAN, and Mr. ROWLAND of Connecticut.

H.J. Res. 138: Mr. ANTHONY, Mr. BUECHNER, Mr. CALLAHAN, Mr. CHAPMAN, Mr. CRANE, Mr. GINGRICH, Mr. GORDON, Mr. GRANDY, Mr. HERGER, Mr. HOYER, Mr. KASICH, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. PRICE, Mrs. BOGGS, Mr. DORNAN of California, Mr. HUNTER, Mr. BROOKS, Mr. NELSON of Florida, Mr. PASHAYAN, and Mr. DICKINSON.

H.J. Res. 164: Mr. SMITH of New Jersey, Mr. CLARKE, Mr. PASHAYAN, Mrs. BOXER, Mr. NELSON of Florida, Mr. FORD of Tennessee, Mr. COOPER, Mrs. LLOYD, Mr. CLEMENT, Mr. COBLE, Ms. OAKAR, Mr. SMITH of Florida, Mr. QUILLEN, Mr. HOCHBRUECKNER, Mr. GONZALEZ, Mr. DARDEN, and Mr. FLORIO.

H.J. Res. 177: Mr. MCEWEN, Mr. SMITH of Mississippi, and Mr. RICHARDSON.

H.J. Res. 185: Mr. CLEMENT, Mr. SISISKY, Mr. SAVAGE, Mrs. MEYERS of Kansas, Mr. DWYER of New Jersey, Mr. MATSUI, Mr. LANCASTER, Mr. PASHAYAN, Mr. STOKES, Mr. DAVIS, Mr. MCNULTY, Mr. WEISS, Mr. SAWYER, Mrs. MORELLA, Mr. HALL of Texas, Mr. VENTO, Mr. LEHMAN of California, Mr. GREEN, Mr. CLINGER, and Mr. FRENZEL.

H.J. Res. 221: Mr. ANTHONY, Mr. FRANK, Mr. GEPHARDT, Ms. LONG, Mrs. LOWEY of New York, Mr. PERKINS, Mr. SKAGGS, and Mr. MRAZEK.

H.J. Res. 226: Mr. WOLPE, Mr. ATKINS, Mr. KOLTER, Mr. HERTEL, Mr. MCHUGH, Mr. DWYER of New Jersey, Mr. BRENNAN, Mr. MAZZOLI, Mr. APPLEGATE, and Mr. SKAGGS.

H.J. Res. 241: Mr. CROCKETT, Mr. HEFNER, Mr. GOODLING, Mr. BLILEY, Mr. KOLTER, Mr. DE LA GARZA, Mr. BROOMFIELD, Mr. BATEMAN, Mr. RUSSO, Mr. LANCASTER, Mr. FASCELL, Mr. NOWAK, Mr. JONTZ, and Mr. DANNEMEYER.

H.J. Res. 257: Mr. LEWIS of Florida, Mrs. MARTIN of Illinois, Mr. DICKS, Mr. ARCHER, Mr. SPRATT, Mr. VALENTINE, Mr. CLINGER, Mr. AKAKA, Mr. BROWN of Colorado, Mr. DERRICK, Mr. HAMILTON, Mr. COBLE, Mr. HUNTER, Mr. MANTON, Mr. NATCHER, Mr. UPTON, Mrs. BYRON, Mr. QUILLEN, Mr. FLIPPO, Mr. GARCIA, and Mr. THOMAS A. LUKEN.

H.J. Res. 290: Mr. JONTZ, Mr. DWYER of New Jersey, Mrs. MEYERS of Kansas, Mr. DE LA GARZA, Mr. BILIRAKIS, Mr. FROST, Ms. KAPTUR, Mr. WHITTEN, Mr. HUCKABY, Mr. KANJORSKI, Mrs. PATTERSON, Mr. HUGHES, Mr. MACHTLEY, Mr. SCHAEFER, Mr. PAYNE of Virginia, Mr. BUSTAMANTE, Mr. HEFNER, Mr. AUCOIN, Mr. BLAZ, Mr. BAKER, Mr. GREEN, Mr. GRANT, Mr. HUTTO, Mr. ROE, Mr. LEHMAN of Florida, Mr. BILBRAY, Mr. ORTIZ, Mr. KOSTMAYER, Mr. SCHUETTE, Mr. TRAXLER, Mr. WALSH, Mr. BATES, Mr. MOAKLEY, Mr. MARTIN of New York, Mr. FLIPPO, Mr. QUILLEN, Mr. HALL of Texas, Mr. CRAIG, Mr. GONZALEZ, Mr. VANDER JAGT, Mr. STAGGERS, Mr. BENNETT, Mr. CONTE, Mr. VALENTINE, Mr. MCCRERY, Mr. MONTGOMERY, Mr. PRICE, Mr. JOHNSON of South Dakota, Mr. LOWERY of California, Mr. SPRATT, Mr. LANTOS, Mr. YOUNG of Alaska, Mr. FAZIO, Mr. WOLF, Mr. SKEEN, Mr. TAUZIN, Mr. STUDDS, Mr. HATCHER, Mr. DORNAN of California, Mr. EVANS, Mr. SMITH of New Hampshire, Mr. WOLPE, Mr. YATRON, and Mr. SABO.

H.J. Res. 306: Mr. PAXON, Mr. HOLLOWAY, Mr. BILIRAKIS, Mr. EMERSON, Mr. FIELDS, Mr. WYLIE, Mr. PARKER, and Mrs. VUCANOVICH.

H.J. Res. 314: Mrs. VUCANOVICH, Mr. GINGRICH, and Mr. ARMEY.

H.J. Res. 324: Mr. SMITH of New Jersey, Mr. GRANT, Mr. HASTERT, Mr. CALLAHAN, Mr. SPENCE, Mr. LEATH of Texas, Mr. MILLER of Ohio, Mr. GALLEGLY, Mr. PARKER, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. WILSON, and Mrs. VUCANOVICH.

H.J. Res. 327: Mr. COSTELLO, Mr. MATSUI, Mr. FUSTER, Mr. HORTON, Mr. BERMAN, Mr. HAWKINS, Mr. VALENTINE, Mr. ROE, Mr. WYDEN, Mr. MOAKLEY, Mr. DE LUGO, Mrs. PATTERSON, Mr. OWENS of New York, Mr. DYMALLY, Mr. FAUNTROY, Mr. MFUME, Mr. CROCKETT, Mr. ROYBAL, Ms. OAKAR, Mr. SAWYER, Mr. TOWNS, Mr. GRAY, Mr. GARCIA, Mr. DIXON, Mr. CARPER, Mr. COBLE, Mr. ATKINS, Mr. DEFAZIO, Mr. CLAY, Mr. FORD of Tennessee, Mr. CHAPMAN, Mr. FAZIO, Mr. DE LA GARZA, Mr. SAVAGE, Mrs. COLLINS, Mr. LANTOS, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHUGH, and Mrs. BOGGS.

H.J. Res. 334: Mr. HOLLOWAY, Mr. EMERSON, and Mrs. VUCANOVICH.

H.J. Res. 345: Mr. DE LA GARZA, Mr. BARNARD, Mr. LAGOMARSINO, Mr. STENOLM, Mrs. COLLINS, Mr. ROE, Mr. PARKER, Mr. LAUGHLIN, Mr. MONTGOMERY, Mr. CHAPMAN, Mr. JONES of Georgia, Mr. CAMPBELL of Colorado, Mr. STALLINGS, Mr. JONTZ, Mr. PAYNE of New Jersey, Mr. ENGEL, Mr. HORTON, Mr. ROBERTS, and Mr. DE LUGO.

H.J. Res. 363: Mr. GIBBONS and Mr. GUARINI.

H. Con. Res. 123: Mr. COYNE, Mr. MCGRATH, Mr. APPLEGATE, Mr. GAYDOS, Mr. GORDON, Mr. FASCELL, Mr. FISH, Mr. MATSUI, Mr. DONNELLY, Mr. STEARNS, Mr. DURBIN, and Mr. QUILLEN.

H. Con. Res. 162: Mr. MADIGAN, Mr. GOSS, Mr. FAZIO, Mr. HAYES of Illinois, Mr. DAVIS, Mr. NIELSON of Utah, and Mr. ROE.

H. Res. 104: Mr. KOSTMAYER.

H. Res. 124: Mr. HANSEN.

H. Res. 128: Mrs. BOXER and Mrs. PATTERSON.

H. Res. 184: Mr. ARMEY.

H. Res. 197: Mr. ROHRABACHER, Mr. VOLKMER, Mr. TORRICELLI, Mr. STALLINGS, Mr. TRAFICANT, Mr. PERKINS, Mr. MCMILLEN of Maryland, Mr. NAGLE, Mr. SCHEUER, and Mr. TANNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 586: Mr. MARTINEZ.

PETITIONS, ETC.

Under clause 1 of rule XXII,

60. The SPEAKER presented a petition of the city council, Southlake, TX, relative to the establishment of a post office for and within the city of Southlake; which was referred to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

A PATHWAY TO GREATNESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SKELTON. Mr. Speaker, recently, our colleague from Oklahoma, WES WATKINS, addressed Oklahoma Baptist University during its commencement ceremony. His talk, entitled, "A Pathway to Greatness" is a positive message to the young people of our Nation and is commended to Members of this body:

A PATHWAY FOR GREATNESS

Thank you, President Agee: Members of the Administration and faculty, friends, students, and our honored guests today, the 1989 graduating Seniors of Oklahoma Baptist University. I know the quality of the OBU students, for the past few years I have had interns from OBU in my Washington office. I am pleased and honored to deliver your commencement address, which I have entitled "A Pathway for Greatness."

J.C. Penney once stated, "People are the principal asset of a company, whether it makes things to sell; sell things made by other people, or supplies intangible services. Nothing moves until your people make it move."

That is not only true of a company, but of a community, state or nation.

I submit to you, if we are to build a greater Oklahoma and nation, there is one thing we must do—get the best—that goodness and greatness—from our citizens.

As an elected public official—as with any individual, group or entity of government—getting the best, that goodness and greatness cannot be accomplished by negative, anti and/or adversary campaigns or positions which only reduces the citizens hope and visions to the lowest common denominator. Greatness can only be achieved through lifting the highest common denominator which is done only by challenging the hopes, dreams, ambition and vision of the citizen. Therefore, we must get the best—that goodness and the greatness—from each of you if we are to build a greater Oklahoma and nation for you and future generations.

If this is our goal as leaders and citizens of Oklahoma and the nation—how do we accomplish it?

Harold Sherman in his book, "How to Turn Failure into Success", states, "Every worthwhile accomplishment has a price tag on it: how much are you willing to pay in hard work and sacrifice, in patience, faith and endurance to obtain it?"

This is true for each of us as an individual and yes, as a community, state and nation. Opportunities will not come like manna from heaven, or like the last economic oil boom from the ground; we must as individuals, state, and nation invest wisely in an "economic and intellectual infrastructure" to make it happen.

William James, one of America's most distinguished psychologists and philosophers, during the early part of this century stated,

"Compared with what we ought to be, we are only half awake. Our fires are damped, our draft is checked. We are making use of only a small part of our possible mental and physical resources".

He concluded that the average individual was using only a small part of his or her full potential, perhaps as low as 10 percent. We restrict ourselves to a small percentage of our full potential and that percentage is reduced further by negative anti and adversary campaigns to encourage citizens to be against—not for—something or someone.

In his new book, "Unlimited Power", Anthony Robbins states:

"Ultimate power is synergistic. It comes from people working together, not working apart. We now have the technology to change people's perception in almost an instant. It is time to use it in a positive way for betterment of us all."

That is especially true today if we are to build a Greater Oklahoma and Nation.

We all know when an individual becomes depressed, rejected or ill, a person just does not perform to their normal potential, let alone to his or her full potential. Therefore, a positive "can-do" attitude is a must if we are to fulfill our greatest potential.

It is a known fact that your energy, creativity, memory, judgment, perception, ability to communicate, physical strength, I.Q. and many other human attributes can be greatly improved by using certain techniques.

Several years ago, the Washington Post reported on a study done by Professor Rich Heber of the University of Wisconsin who had taken young children of poor and illiterate parents living in the city's worst slums and produced startling results of I.Q. scores increasing more than 50 percent, some of them scored as high as 135.

After years of giving intelligence tests, studies have proven that such tests do not measure potential, but only that portion of the potential that has been developed. I.Q. and achievement can be influenced dramatically upward by using certain techniques and with a positive "can-do" attitude.

Besides a position attitude, there are qualities or characteristics that form "the pathway for greatness" for an individual, state or nation to achieve their best—that goodness and greatness.

First and foremost is to set a worthy goal and have the right motivation in achieving that goal. One of the most powerful motivating techniques for individuals such as yourself, a state or nation is to establish a "challenging and measureable goal".

Astronaut Neil Armstrong was once asked about what the efforts of landing Americans on the moon proved about the American spirit. His answer was, and I quote,

"The Apollo program demonstrated how really dedicated the American people can be after they have accepted a challenge." He went on to say, "The entire project team would absolutely not stop working. Everywhere you looked people were working late at night and across the weekend, usually without pay, as if their life, or more importantly, the life of their country depended on it. They believed in their goal, and they knew every man had to give more than his share to make that goal a reality. I only hope we can agree as well on other goals and have that kind of 'American Spirit' more often."

It is that kind of spirit that is necessary if we are going to build a Greater Oklahoma, and a New America that can lead again, and be competitive in a "one-world" global economy. It is that type of spirit that will lead to more than personal success, but to build a common bond for a common goal. Remember for a personal or common goal to be motivational, it requires constant commitment from workers and constituents, not just the desire of the chief executive or government leaders.

The second quality is enthusiasm to achieve the goal you set for yourself, your community, state or nation. The degree of your ambition to your goal is measured by your enthusiasm to achieve your goal.

Charles Schwab, one-time president of Bethlehem Steel Company stated, "A person can succeed at almost anything for which he or she has unlimited enthusiasm to achieve".

Enthusiasm is the inspiration of anything great. It is the "self-starter" that makes "mere followers" to be recognized as leaders.

The third quality is courage—courage to start—to build, to take the steps toward achieving your goal. There are many who will dream a dream, and maybe map out a plan, but many do not have the courage to "step out" to take the action necessary to achieve their goal. Fear of making mistakes is the most frequent factor in not implementing our life dreams. However, if you are motivated correctly in your efforts to achieve a worthy goal, the greatest failure is to do nothing. I know in my mission, my goal—to initiate non-traditional, new innovative and creative ways to build new economic and job opportunities for our citizens—I will err, make mistakes and sometimes fail. But the alternative is continued unemployment, low income, and a continuous out-migration of our loved ones from Oklahoma, especially you, our brightest and sharpest young college graduates. I think building your future in Oklahoma is a worthy goal and can be achieved if combined in the spirit that Neil Armstrong described—however, "We need your help."

The fourth quality is determination—the will—or persistence to achieve your goal. Christopher Columbus didn't get the support and backing to sail on his trip which discovered America on his first try. Abraham Lincoln lost more elections than he won. Henry Ford, founder of the gas engine automobile, was told to give up his idea and devote his time to something useful, and Thomas Edison tried 10 thousand unsuccessful items in his attempt to create a filament for the electric light bulb. When Edison was asked if this didn't discourage him, his answer was that these weren't really failures, but were merely the neces-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

29-059 O-90-7 (Pt. 11)

sary elimination of ideas that wouldn't work.

Even some of you as graduates may have had to take a course or test over to get to this day, but you were successful and are graduating today.

Someone once said, "There is much more achieved from 'I will than I.Q.'"

But, let me add, if you have both, I.Q. and I will, along with persistence, you have the qualities to achieve whatever you might want to do in life.

Napoleon Hill, one of the leading authorities on human potential, spent years studying the life of outstanding individuals. The one common indispensable quality he found in all of them was their "persistence"—they kept trying after repeated failures.

The next two qualities I feel important relate to the value system of an individual—your personal integrity and faith.

The number one quality that most people look for in a business or government leader is not I.Q., energy, looks or physical characteristics, but integrity. The story is told about Herbert J. Taylor, a successful and highly paid vice-president in line for the company presidency, was asked to leave to save an ill-managed company from bankruptcy. He accepted the challenge with less than half the salary he was making.

One of the first decisions he made was to establish some principles to guide the employees in dealing with people. He called them the "Four-Way Test" and later assigned the copyright to Rotary International. The "Four-Way Test" deals with integrity and is composed of four questions, which are:

(1) Is it the truth?

(2) Is it fair to all concerned?

(3) Will it build goodwill and better friendship?

(4) Will it be beneficial to all concerned?

You will find your life's journey is filled with compromise, and I know most of what you hear from me today will not be remembered. However, one statement that I made when first running for Congress in 1976, I would like to repeat:

"Remember, there is a difference in the principle of compromise and the compromise of a principle."

Last, but by no means least, is Faith. Faith in three ways:

1. Faith in yourself—that is confidence.

2. Faith in others. There are people who are willing to help with a job or with many other things in life. There is no such thing as a self-made person. Remember, all of us are given certain rights, freedoms and opportunities from others.

3. Faith in God. Today, more than any time in my life, I realize there is a Greater Power than my own. It is my daily prayer to give thanks to God for His unconditional love, tremendous mercy and amazing Grace that is given to each of us.

As you leave today with your diploma. filled with enthusiasm and tremendous potential, remember your can accomplish much with 'I.Q. and I will", especially if your goal is God's will.

I believe it is God's will and purpose for each of us to have a positive, spiritual attitude to get the best—that goodness and greatness—from each person that we encounter. That cannot be done by being negative, anti or adversarial in our actions, but can only be achieved by having a challenging, positive attitude to lift the hopes, ambitions and vision to the highest common denominator. That's the pathway for greatness and the path to building a greater Oklahoma and Nation.

Thank you and God Bless you all.

TRIBUTE TO WILLIAM MAINE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to William Maine of my 17th Congressional District of Ohio, who recently won two gold medals in the U.S. National Senior Olympics.

On June 19, 1989, the second biennial U.S. National Senior Olympics were held in St. Louis. William Maine, at the age of 84, won medals in three events, the 100-meter breaststroke, the 100-meter butterfly, and the 200-meter individual medley. He also participated in six other events in the 6-day-long Senior Olympics. He was among 3,500 senior citizens between the ages of 55 and 91 competing in the events.

Mr. Speaker, William Maine is to be commended for his competitive nature and health-conscious lifestyle. He did not let his age stand in the way of his athletic abilities. I would like to congratulate him for his tremendous achievements. It is an honor to represent this outstanding individual.

LEE GUTKIND'S CONTRIBUTIONS TO ORGAN TRANSPLANTATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. WALGREN. Mr. Speaker, it is my pleasure to recognize Lee Gutkind, a professor at the University of Pittsburgh who has been named this year's recipient of the American Heart Association's Blakeslee Award for his book, "Many Sleepless Nights." The award, presented annually for outstanding achievements in science journalism, was established in honor of Associated Press science editor Howard W. Blakeslee to recognize those who have made a significant contribution to the public's scientific knowledge and understanding.

"Many Sleepless Nights" is a comprehensive treatment of the field of organ transplantation. In addition to portraying the transplant team at Pittsburgh's Presbyterian Hospital as he witnessed them in over 50 transplants, Mr. Gutklind chronicles the evolution of transplant surgery, tells the story of the patients who wait for transplants, and addresses the ethical and moral issues involved in transplantation. His narrative is drawn from 3 years of investigation, including months spent living side by side with transplant candidates, recipients, organ procurement teams and surgeons, and visits to most of the major transplant centers in the United States.

"Many Sleepless Nights" also recently received a public service award from the American Council on Transplantation and has been selected by the Library Journal as one of the eight best medical books of 1988.

As a world transplant center, Pittsburgh is proud of the pioneering medical advances we have achieved. We are proud as well of Lee Gutkind and his contribution to the understanding and advancement of transplant medicine through the written word.

TRIBUTE TO CALLAWAY GARDENS AND MR. G. HAROLD NORTHROP

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. RAY. Mr. Speaker, I would like to share with my colleagues an article by Glenn Vaughn that captures the spirit and beauty of Callaway Gardens, and the devotion of Mr. G. Harold Northrop, president and chief executive officer of the Ida Cason Callaway Foundation. Few places in the nation are as spectacular as Callaway Gardens with its lush layout and splendid views, and few individuals are as dedicated to the maintenance of beauty as Mr. Northrop:

TWENTY YEARS LATER, NORTHROP STILL DREAM KEEPER

(By Glenn Vaughn)

Pretty and peaceful Callaway Gardens—with its tall trees, tranquil lakes and intoxicating flora—gives off a reassuring air of permanence. It's hard to imagine the site once was unimproved pastureland or eroded and gullied farmland.

But one man dreamed beyond the neglected wilderness. He was Cason Jewell Callaway (1894-1961), a highly successful textile industrialist-turned master farmer-turned master gardener. Today his and that of his widow, Virginia Hand Callaway, of cultivating nature's beauty for the public to enjoy, is in the form of a highly acclaimed resort drawing visitors from throughout America and many parts of the world. In May the newspaper USA Today rated Callaway Gardens the nation's top family vacation spot.

Open sine 1952, the resort and corporate meeting center hit full stride under the leadership of a visionary named G. Harold Northrop. He is president and chief executive officer of the Ida Cason Callaway Foundation and of Garden Services, Inc.

This year he completed 20 years at the helm of "the Gardens." On his watch 15 million visitors were attracted to this resort in "our neck of the woods" as he spent several tens of millions of dollars in capital improvements. Callaway Gardens easily ranks among Columbus' and the region's most valuable assets.

With 14,500 acres, about 2,500 of which are "developed" and with some 5,000 acres open to the public, it is the nation's largest garden resort in land area. It has the world's largest collection of both holly and azaleas. The Sibley Horticulture Center is like no other and the Day Butterfly Center is the only facility of its kind in North America.

In addition to its charm, visitors are offered a broad range of tours and educational activities. There's golf, tennis, swimming, fishing, horseback riding and more. There's even steeplechase racing. Biking is highly popular. The other day, thanks to an "anonymous" donor, a $500,000 addition to the

Gardens' bike trail was opened, making it nearly 10 miles long.

An area economic force, the resort employs 800 year round and 1,100 in the summer. Run by a not-for-profit foundation, Callaway Gardens is partially supported by a profit-making, tax-paying arm called Garden Services, Inc. It operates the Inn, various shops and food service facilities. Other income comes from gate receipts, regular fund-raising, gifts from foundation and endowment earnings. Contributions have increased Cason Callaway's original $7 million endowment to $20 million.

Granger Harold Northrop, 53, a one-time High School All-American football player from Ithaca, N.Y., came South on an athletic scholarship to Vanderbilt University, where he earned a business degree in 1959. There he met and married the former Charlotte Beasley.

After a nine-year stint with Southern Bell in Louisiana, he became the foundation's executive vice president in February, 1969. Foundation president at the time was former congressman Howard "Bo" Callaway. In 1972 Northrop became president and chief executive officer and Callaway became board chairman.

(Among notable members of the foundation's supportive Board of Visitors, which meets annually at Callaway Gardens, is the former First Lady, Lady Bird Johnson.)

Remarkable about the personable Hal Northrop, his energy and enthusiasm seem never to slacken. With the acclaim his years have brought the Gardens, one believes him when he says he and the others look on their work there as a mission rather than a job. Twenty years later it is clear he has adopted the Cason and Virginia Callaway dream as his own.

Finally, an update on the Northrop offspring: Jennifer, a University of Georgia law graduate and wife of Tom Foster of Atlanta, has a month-old daughter named Jessica; Son Foster graduated this month from the UGA School of Veterinary Medicine; and daughter Susan is a rising senior at the UGA, studying early childhood development.

NESUHI ERTEGUN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Ms. OAKAR. Mr. Speaker, one of the great contributors to the American and international music world has been Nesuhi Ertegun. Mr. Ertegun recently passed away, but his contributions to the industry are part of the great Ertegun legacy. The following is an article which appeared in the Washington Post:

[From the Washington Post, July 17, 1989]

NESUHI ERTEGUN DIES AT 71; WAS RECORD EXECUTIVE

NEW YORK—Former record company executive Nesuhi Ertegun, 71, a key figure in the history of American jazz and popular music, died July 15 of complications after surgery for cancer.

Mr. Ertegun, a native of Istanbul, in 1971 created WEA International company, the giant distributor outside the United States of the music of the Warner Brothers, Atlantic, Elektra and MCA record companies. He remained president and chief executive officer until 1987.

As a partner in the Atlantic label of his younger brother, Ahmet, starting in 1954, he signed and produced such jazz greats as the Modern Jazz Quartet, Ornette Coleman, John Coltrane, Thelonious Monk and Charles Mingus. He also signed pop singer Roberta Flack and produced recordings for Ray Charles, Bobby Darin, the Drifters, Big Joe Turner and LaVern Baker.

Mr. Ertegun was the first president of the National Association of Recording Arts and Sciences, which gives the record industry's yearly Grammy awards, and was a long-time leader of the international fight against record piracy and copyright infringement.

A soccer fan, he founded the New York Cosmos Soccer Club, now defunct, which brought such international stars as Pele, Franz Beckenbauer and Johan Cruyff to the United States.

He was an art collector since his days as a student at the Sorbonne in Paris, where he first became a student of jazz. His collection included works by Dali, de Chirico, Magritte, Man Ray and Francis Bacon.

In Washington, where his father was the Turkish ambassador, he organized unprecedented racially mixed jazz concerts at the embassy from 1940 to 1943. He also became one of the first serious critics and lecturers on jazz.

He moved to California in 1943 and ran two jazz labels, Jazzman Records and Crescent Records, producing records for New Orleans musicians such as Jimmie Noone and Kid Ory. In the early 1950s, for the Contemporary label, he recorded such West Coast modern jazz artists as Shelly Manne and Shorty Rogers.

Mr. Ertegun is survived by his wife, Selma; a daughter, Leyla; a son, Rustem; a brother, Ahmet; and a sister, Selma Goksel. Mr. Ertegun will be buried in Istanbul.

CENTRAL VALLEY PROJECT—MORATORIUM ON NEW WATER SALES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. MILLER of California. Mr. Speaker, the House has now passed and sent to the Senate the fiscal year 1990 energy and water appropriations bill, H.R. 2696.

This bill includes important language to prohibit the Secretary of the Interior from executing any new, long-term water supply contracts from the central valley project prior to October 1, 1990. The intent of this provision is to prevent all the remaining yield of that project from being sold on a long-term basis before all the necessary studies and analyses are completed. In short, such a critically important decision should not be made in isolation.

The Bureau of Reclamation still has not completed the necessary technical analyses and environmental studies which would allow new, long-term contracts to be signed to deliver approximately 1 million acre feet of water per year from the central valley project. In fact, Interior Secretary Lujan specifically suspended the Bureau of Reclamation's ambitious water sale program, and instructed the agency to start its studies from scratch. I support the Secretary's decision.

The Bureau of Reclamation should not sell more water from the central valley project until several critical issues are settled. These include: The State's review of water quality standards; reviews of irrigation drainage problems; and, congressional review of a water transportation contract with the State of California.

My colleagues should be aware that the California State Senate supports a moratorium on these water sales. On June 23, 1989, the State senate adopted Senate Joint Resolution 26, memorializing the President and Congress of the United States to direct the Bureau of Reclamation to suspend its efforts to sell water from the central valley project and to complete the determination of how much water is needed to mitigate the adverse effects of the project on fish and wildlife. The text of this resolution follows:

SENATE JOINT RESOLUTION NO. 26

LEGISLATIVE COUNSEL'S DIGEST

SJR 26, as amended, McCorquodale. Fish and wildlife: water needs: studies.

This measure would memorialize the President and Congress of the United States to direct the Bureau of Reclamation to suspend its efforts to sell water from the Central Valley Project and to complete the determination of how much water is needed to mitigate the adverse effects of the project on fish and wildlife.

Fiscal committee: no.

Whereas, Fish and wildlife in California are dependent on adequate flows of freshwater in the state's rivers and estuaries; and

Whereas, The State Water Resources Control Board has commenced hearings to determine the amount and quality of water flowing through the San Francisco Bay-Delta estuary which is necessary to protect the fisheries, wildlife, and other beneficial uses of the water and will decide if the amount of water diverted from the estuary should be modified to protect the fisheries and other beneficial uses of the delta; and

Whereas, During the recent hearings, the State Water Resources Control Board was presented with extensive testimony that the past operations of the Central Valley Project, State Water Project and other diverters are causing significant damage to the bay-delta fisheries; and

Whereas, The area of origin of water has the first right to all the water which is reasonably required to adequately supply the beneficial needs of the protected area before the water may be exported; and

Whereas, On December 29, 1978, the Secretary of the Interior issued a formal decision directing the agencies of the Department of the Interior to determine the status of the fish and wildlife resources of the Central Valley and recognizing the obligation of the federal government to participate in meeting water quality and other conditions necessary to conserve and protect the fish and wildlife resources of the Central Valley and the San Francisco Bay-Delta estuary; and

Whereas, The secretary's decision as partially intended to assure that the uncommitted water supply of the federal Central Valley Project could be used to correct past damages and to meet the needs of fish and wildlife; and

Whereas, The Department of the Interior agencies have not carried out those fish and wildlife studies; and

Whereas, The Bureau of Reclamation, an agency of the Department of the Interior, operates the Central Valley Project, and furnishes 7.3 million acre-feet of water each year to project customers under long-term contracts from the Trinity, Sacramento, American, Stanislaus, and San Joaquin Rivers; and

Whereas, The Bureau of Reclamation estimates that 1.5 million acre-feet of dependable annual water supply remains uncommitted in its project; and

Whereas, The Bureau of Reclamation is actively seeking long-term contracts for the sale of the 1.5 million acre-feet of water which it estimates remains unsold and unused in its Central Valley Project; and

Whereas, Until the agencies of the Department of the Interior have completed the fish and wildlife water needs studies as directed by the Secretary of the Interior in 1978, and until the State Water Resources Control Board determines how much water is necessary to protect fishing and other beneficial uses of the delta, it is uncertain as to how much, if any, water remains uncommitted in the project; and

Whereas, The Bureau of Reclamation, the California Department of Water Resources, and associations of their water contractors have insisted that the bay-delta hearings of the State Water Resources Control Board be delayed; and

Whereas, In the absence of that information, the Bureau of Reclamation's current water marketing program is premature, and should not proceed until the water needs of fish and wildlife in the Central Valley and the San Francisco Bay-Delta estuary have been determined and addresses; and

Whereas, If additional water is found necessary to protect beneficial uses of water of the San Francisco Bay estuary, that increase shall come first from any uncommitted water supply in the Central Valley Project; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memoralizes the President and Congress of the United States to direct the Bureau of Reclamation to suspend its current efforts to sell 1.5 million acre-feet of water from the Trinity, Sacramento, American, Stanislaus, and San Joaquin Rivers of California, and to complete the determination of how much water is needed to mitigate the adverse effects on fish and wildlife caused by the develoment and operation of the Central Valley Project by January 1, 1993; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

PERMANENT CONGRESS?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. CLAY. Mr. Speaker, sometimes much ado is made about nothing, and too often political pundits have played mathematical games with the statistics on congressional incumbency in order to promote the erroneous notion that Congressmen are never defeated. But, anyone who looks behind these sensational statistical juggling acts sees the fallacy of this theory.

I was particularly happy to read the responsible editorial, "Permanent Congress? Check the Numbers" which appeared in Rollcall. I commend this excellent piece to my colleagues.

PERMANENT CONGRESS? CHECK THE NUMBERS

One of the most pernicious myths is that there's no turnover any more in Congress. It is true that in the House elections of 1986 and 1988, the precentage of sitting Members who ran for re-election and won was 98.0 percent and 98.3 percent, respectively. But two elections do not a trend make (if it rains two days in a row, it's not necessarily going to rain for the next 40).

But political pundits, who have almost no sense of history, are convinced that a seat in the House has become a permanent sinecure—thanks to the franking privilege, PAC money, etc., etc. This is nonsense.

First of all, a seemingly high rate of incumbent re-election is nothing new. Contrary to many news reports, the rate in 1988 was not the highest in history. It was the third highest. The highest was in 1792, when every single one of the 45 House Members who stood for re-election was victorious. The second-highest rate was in 1808.

These facts are gleaned from an excellent scholarly study prepared by David C. Huckabee of CRS in March, titled "Re-Election Rates of House Incumbents: 1790-1988." As Rep. Frank Annunzio (D-Ill) put it, "The study . . . effectively refutes the arguments, recently appearing in the press, that current Members of Congress have 'stacked' the election system in their favor."

Incumbents are indeed winning re-election at a higher rate than in the recent past—but only at a slightly higher rate. Our own analysis of the CRS numbers shows that in the '80s, the re-election rate has been 94.5 percent, compared with 93.1 percent in the '70s and 91.2 percent in the '60s. But these rates are still below the best period in history for incumbents, from 1790 to 1808, when the rate was 95.2 percent.

And the incumbent re-election rate is not a significant figure anyway. When incumbents think they're going to lose, they frequently decide not to face the humiliation of defeat; they simply retire. The significant number, then, is the percentage of House Members who actually return to the chamber from one Congress to the next.

This figure has been fairly consistent since World War II, despite changes in campaign financing: roughly 85 percent. The median since 1960 has been 84.6 percent, with a high of 92.4 percent and a low of 78.9 percent. Of the eight election years with the highest percentages during this period, four occurred before 1972 and four occurred after.

Is an 85 percent "return rate" too high? Get out your calculators, kids.

If 85 percent of the House is re-elected every two years, then fewer than half the Members will survive for a full ten years. Look at it another way. In 1988, there are 435 smiling Members of the House. By the year 2000, at an 85 percent return rate, only 164 of them will be left.

Is that good or bad for the country? It sounds about right to us—maybe a shade too high. But if the return rate is 70 percent, look what happens: By the year 2000, only 51 of the 435 Members will still be around. We need more institutional memory than that.

CONGRESSMAN IKE SKELTON'S ADDRESS TO THE AMERICAN LEGION ON THE AMERICAN FLAG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SKELTON. Mr. Speaker, Saturday, I had the privilege of addressing the Missouri Department of the American Legion State Convention. I told them in my speech that I disapprove of the recent Supreme Court decision allowing a person to burn the American flag. Further, I set forth a remedy to this decision. Also, I pointed out that the American Legion does a fine job in educating the young people of our State in the understanding of our American heritage. My remarks are set out as follows:

ADDRESS TO THE AMERICAN LEGION STATE CONVENTION, JEFFERSON CITY, MISSOURI

Even before we were a nation, we had our flags. Different from today's to be sure. But serving the same purpose—symbols of unity, and of our hopes, achievements, glory, and high resolve.

Brave New England patriots faced down British regulars at a place called Bunker Hill under the Continental Flag which prominently featured a pine tree.

"Don't Tread on Me," said the colonists in the South, and a coiled rattlesnake on their flag reinforced that message.

The Grand Union Flag went to sea with John Paul Jones and marched under George Washington in the early days of our Revolution. By combining the British Union Jack with thirteen red and white stripes it reflected the thinking of the colonists during that time: allegiance to the Crown, but willing to fight for their rights as Englishmen.

That thinking had changed, however, by July 4, 1776. The Declaration of Independence—"That these United Colonies are, and of Right ought to be Free and Independent States"—set us on a new course, from which there was no turning back. It was a realization that a people could not at once fight against the king and at the same time profess their loyalty to him. And, it meant that the new United States would need a national flag.

On June 14, 1777—the day we now celebrate as Flag Day—the Continental Congress adopted the following brief resolution: "Resolved, that the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation."

It is now believed that Francis Hopkinson, a signer of the Declaration of Independence, designed the first national flag that legend attributes to Betsy Ross. For his services, he submitted to Congress a bill for nine dollars. Of course, government in 1777 was not really much different from government today. Hopkinson never got paid.

So, we had a national flag, the "Stars and Stripes." In 1792, the first version with thirteen stars in a circle appeared. In 1795, the flag was changed to recognize the entry of Vermont and Kentucky into the Union with

the addition of two stars and two stripes. This flag of fifteen stars and fifteen stripes figured in many stirring episodes. It was the first flag to be flown over a fortress of the Old World when it was raised at Tripoli in 1805. It was flown at the Battle of Lake Erie and by Andrew Jackson at New Orleans. And it was flown at our young nation's most inspiring moment.

In 1812, our nation had declared war on Great Britain because of British seizure of neutral U.S. trading vessels, and the impressment of American seamen into service on British ships. The British, preoccupied with Napolean, were not amused. They were even less amused when we sent forth speedy privateers to seize their merchant ships and to frustrate their heavily gunned men-of-war.

In 1814, with Napolean exiled to the island of Elba, the British determined to put the upstart former colonists in their place. They dispatched a 50-ship expeditionary force—veteran soldiers and sailors from the world's strongest military power. Up the Chesapeake Bay they came, and on August 24 and 25, 1814, they burned Washington. Their next target: Baltimore—third largest city in the U.S., a rich trading center, and home to many of the fleet privateers that had humiliated the proud Royal Navy.

As the British moved on Baltimore, one thing blocked their way—Fort McHenry, whose guns dominated the channels leading into Baltimore harbor. Unless they could get past the fort, the British Navy could not support its ground forces whose advance on the city had been stalled.

So, at dawn on September 13, a 25-hour bombardment began. At the same time, a 35-year-old American lawyer was being held on board a British ship pending the end of the battle. Francis Scott Key watched the "rockets red glare" and "the bombs bursting in air" through the night. At the first light of dawn, Key was relieved to see that Fort McHenry's giant flag—30 feet by 42 feet—"The Star Spangled Banner"—did indeed still wave over "the land of the free and the home of the brave." Inspired by the sight, he took pen in hand and gave us what would become our National Anthem.

The burning of Washington and the victory at Ft. McHenry united our young nation like nothing before had done. We emerged from the War of 1812, with a new national identity, confidence, and patriotism, a recovering economy, and a place in the world. And we continued to grow—to the valleys of the Ohio and Mississippi Rivers and beyond with new states joining the union and the number of stars in that field of blue growing.

Less than 50 years after the end of the War of 1812, our flag would face one of its greatest challengers. As our nation was split asunder in a great civil war, and its ability to endure as one hung in the balance, courage related to the flag often spelled the difference between victory and defeat.

Missionary Ridge, Tennessee, November, 1863. A key link between the east and west for the Confederacy. Confederate troops entrenched along a 400-foot-high, seven-mile-long summit. Sixty Union regiments under General George Thomas attacked positions at the foot of the ridge, and then, unexpectedly, surged up the slope. Flag bearers led the way. When one fell, another stepped forward to grab the colors, and the advance continued. A young First Lieutenant—not yet 20 years old—caught the flag of the 24th Wisconsin as it was about to fall, and carried it to the crest. Arthur MacArthur's bravery earned him a battlefield promotion to major and the Medal of Honor that day. Many of you here today may have served under his son, Douglas, in the Pacific or Korea. In all, several flag bearers won the Medal of Honor at Missionary Ridge. At day's end, the flags of 60 Union regiments lined the summit.

The war ended and the Union was preserved. And the flag proved as inspiring in peace as it was in war. In 1868, a former Union Army Sergeant, Gilbert Bates, set out to carry the Stars and Stripes from Vicksburg, Mississippi, to Washington, D.C., to prove to friends back in Wisconsin that we were once again one nation. Crowds cheered him at every town and village as he marched through the heart of the Old Confederacy. Ironically, and maybe today we could say prophetically, Sergeant Bates and his flag encountered real hostility and opposition only in our nation's capital.

Westward we moved, behind the flag. Across the Wide Missouri, and along the South Platte to the Rockies, and beyond to Oregon and California. South to Santa Fe and the Rio Grande—conquering a wilderness, settling a continent, and fulfilling our destiny. New stars added to the flag and more people to enjoy the blessing of liberty it embodies: people in the new lands, and immigrants from the Old World—the "huddled masses yearning to breathe free."

Our flag went to foreign shores. Up San Juan Hill with Teddy Roosevelt in the Spanish American War ending four centuries of Spanish colonialism in the New World. At Veracruz, on the Gulf coast of Mexico, its honor was defended by brave sailors and marines. "Over there" it went with a Missourian, General John Pershing, in the "War to End All Wars."

Our flag was tattered, but not lowered at Pearl Harbor. And we rallied behind it, lifted it higher. We took it ashore at Normandy, and across the Rhine with Eisenhower, Bradley, and Patton, and Hitler's "Thousand year Reich," the worst tyranny the world has yet known, crumbled at its advance. Across the South Pacific it went, island by island. In 1944, the most dramatic flag raising in American history, on a rocky Pacific island called Iwo Jima. When the sun rose the next day on that flag atop Mount Suribachi, the sun of Japanese Imperialism began to set.

The flag was with us. In Korea helping to preserve democracy for half of a divided nation. In Vietnam, where brave American POWs fashioned handmade flags to defy their captors. It went to the moon with the astronauts of Apollo 11.

Yes, our flag has stood by us—leading us, inspiring us, sustaining us—all of our national endeavors, in war and in peace, for over 200 years.

Now, sadly, it seems that some people don't want to stand by our flag. A slim 5 to 4 majority of the Supreme Court has said that it is all right to desecrate our flag, to burn it even, in the name of free speech. "Government," says the Court, "may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

I agree that everyone in this country has the right to make his views known on any issue, no matter how irrational, how wrong, or how unpopular those views might be. But does that mean that every form of conduct is permissible as a means of exercising rights guaranteed by the First Amendment to the Constitution? I say no! And I say so as a student of law and of history. The framers of the Bill of Rights used words carefully to convey a precise meaning. The First Amendment to the Constitution says "Congress shall make no law . . . abridging the freedom of speech, . . ." It says nothing about "expression."

Legal precedent and common sense tells us that there can be limits on conduct which are not inconsistent with First Amendment rights. Consider some extreme examples: Would anyone, even the Supreme Court, contend that we must permit human sacrifice under the guise of free exercise of religion? Would someone be allowed to blow up the Lincoln Memorial to express a political view?

Flag burning does not merit First Amendment protection. It is conduct that is offensive and provocative to the overwhelming majority of Americans. Moreover, it is unnecessary. Any point of view that can be expressed by flag burning can be better expressed in a manner that is reasoned, rational and more effective in communicating an idea or attempting to persuade others.

We have a great system of government, and one reason it is so great is that if you disagree with a government action, even a decision of the highest court in the land, you can work to change it.

Therefore, I totally support, and I will fight for, a Constitutional Amendment which will allow Congress and the States to ban flag burning and other similar forms of flag desecration. The process won't be fast—it shouldn't be. It won't be easy—the framers wanted to make amending the Constitution a difficult, deliberative process.

I am confident that a Constitutional Amendment can be passed. But if it fails, or if it stalls, we can move in other areas. We can redraft and enact new flag desecration statutes that attempt to meet the Court's objections to the Texas statute. If those new statutes won't pass muster, we'll enact new ones. And we'll do it again and again until the Supreme Court get the message loud and clear how the people of this nation feel about our flag!

We can do still more. And you do so much in this area already. Our children must be taught to respect the flag not only in our schools, but by our example. We must instruct them to display it and use it properly and salute it appropriately. We must encourage our children and every future generation to value the freedoms we enjoy and to stand tall and proud when they say, "I pledge allegiance to the Flag of the United States of America . . ." We must instill in them a strong sense of the heritage embodied in our flag, and the pride of being an American. Finally, we must ensure that they continue to recognize and honor the great sacrifices made by previous generations of Americans, by you and your comrades in arms, many of whom gave "the last full measure of devotion" so that we could live free.

The poet Edgar A. Guest said it best when he penned:

THE BOY AND THE FLAG

I want my boy to love his home,
His mother, yes and me:
I want him, wheresoe'er he'll roam,
With us in thought to be.

I want him to love what is fine,
Nor let his standards drag,
But, Oh! I want this boy of mine
To love his country's flag.

Let us take a moment and put a few things in perspective. As much as this Supreme Court decision angered and saddened

us, it is in the final analysis no real threat to our nation. That flag stands for too much to be brought down by matches lit by Gregory Johnson and his imitators. Its glory cannot be diminished by five misguided Supreme Court justices. It cannot be threatened by any enemy, foreign or domestic. If they step on it, write on it, tear it to shreds, even burn it to ashes, we'll just raise it up again, and it'll fly higher and more gloriously than ever before.

A few years ago, we had a flag day ceremony in the House of Representatives. Country-western singer Johnny Cash recited these lyrics that he had written:

RAGGED OLD FLAG
(By Johnny Cash)

I walked through a county courthouse square
On a park bench an old man was sitting there
I said, "Your old courthouse is kinda run down."
He said, "Naw, it'll do for our little town."
I said, "Your old flag pole is leaned a little bit,
And that's a ragged old flag you got hanging on it."
He said, "Have a seat." And I sat down.
"Is this the first time you've been to our little town?"
I said, "I think it is." He said, "I don't like to brag,
But we're kind of proud of that ragged old flag."
"You see, we got a little hole in that flag there
When Washington took it across the Delaware
And it got powder burned the night Francis Scott Key
Sat up watching it, writing 'Say Can you see'
It got a bad rip in New Orleans
With Packingham and Jackson pulling at its seams
And it almost fell at the Alamo,
Beside the Texas flag, but, she waved on though
She got cut with a sword at Chancellorsville
And she got cut again at Shiloh Hill
There was Robert E. Lee, Beauregard and Bragg
The South wind blew hard on that Ragged Old Flag
On Flanders field in World War One
She got a big hole from a Bertha gun
She turned blood red in World War Two,
She hung limp and low by the time it was through
She was in Korea and Viet Nam
She went where she was sent by her Uncle Sam
She waved from our ships upon the briny foam
And now they've about quit waving her back here at home
In her own good land she's been abused
She's been burned, dishonored, denied, refused
And now the government for which she stands
Is scandalized throughout the land
And she's getting threadbare and she's wearing thin
But she's in good shape for the shape she's in
Cause she's been through the fire before
And I believe she can take a whole lot more
So we raise her up every morning
Bring her down slow every night
We don't let her touch the ground
And we fold her up right.
On second thought, . . . I do like to brag,
Cause I'm mighty proud of that Ragged Old Flag."

TRIBUTE TO THE NATIONAL FEDERATION OF HOUSING COUNSELORS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the National Federation of Housing Counselors on the occasion of its 16th annual conference.

The NFHC was first established in 1973 for the purpose of providing resources and programs for an association of housing counselors. These counselors offer services to families in need of acceptable housing. The NFHC is a nonprofit organization with over 700 members in 35 States, and is growing steadily at both the State and national levels. This group has worked together for the past 16 years to ensure that the public has access to essential housing information.

The NFHC has provided invaluable housing services to families all over the country. The men and women of this distinguished group have dedicated themselves to responding to the needs of low- and moderate-income families. They have strived to help those families find decent and affordable housing, and to educate the public about fair housing rights.

Mr. Speaker, the National Federation of Housing Counselors has answered the cry for help from thousands of struggling families throughout the country. They have given new hope to those who thought that having a decent home was only a dream. I thank this organization for its outstanding contributions and look forward to its continued growth and success.

HOUSE RECOGNIZES IMPORTANT STEEL, COAL PROJECTS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. WALGREN. Mr. Speaker, I want to commend the Appropriations Committee for including in H.R. 2788, the fiscal year 1990 Interior appropriations bill, $15 million for the "Metals Initiative," formerly known as the "Keyworth Steel Initiative."

The steel/metals initiative, promoted by former President Reagan's Science Advisor George Keyworth, is a government-industry-university cost-shared research and development program to develop "leapfrog" technology in steelmaking, processes that leap ahead of what our foreign competitors are now using. The 100th Congress authorized this program, now Public Law 100-680, through fiscal year 1991.

The Appropriations Committee action recognizes that the program has reached a critical stage. DOE has agreed to a major proposal by the American Iron and Steel Institute for a direct, continuous steelmaking project that is designed to eliminate the blast furnace and the coke-making stages in steelmaking. Private industry participants, representing 80 percent of American steel production, will contribute 30 percent of the costs of this project.

New materials technology can revolutionize steelmaking, making American production competitive abroad. At the same time, these kinds of technology have the potential to reduce energy consumption in steelmaking by 20 percent and, by bypassing the coking process, eliminate a major source of toxic pollutants.

The steel initiative holds great promise for strengthening this country's technological leadership in steelmaking. Bringing government, industry, and universities together is unprecedented in this industry. It holds important promise for our economy, our defense, and our long-range future. Again, I commend the Appropriations Committee for its support.

I am also pleased that this bill includes important funding for two Federal research facilities in my district. At the Pittsburgh Energy Technology Center [PETC], research on coal burning and processing technology requires new facilities. PETC has been at the forefront of the Federal effort to develop technologies to reduce acid rain problems from fossil fuels and the support for these problems provided in this bill is critical.

The second research facility, the Bureau of Mines Bruceton Center, also has a long history of world leadership. This is the largest research center in the Bureau of Mines. Some of the important efforts underway at Bruceton are mine dust reduction, environmental and safety research, and control of acid drainage from mines. The bill before us would allow these efforts to continue at a reasonable level and not subject them to the large cuts proposed in the President's budget.

SENIOR VOLUNTEERS—A PRECIOUS NATIONAL RESOURCE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DOWNEY. Mr. Speaker, as Chairman of the Subcommittee on Human Services of the House Select Committee on Aging, I am very pleased with the passage of H.R. 1312, the Domestic Volunteer Service Act Amendments of 1989. This legislation extends funding for title II, the Older Americans Volunteer Programs, for an additional 4 years. Older American Volunteer Programs include the Retired Senior Volunteer Program [RSVP], the Senior Companion Program, and the Foster Grandparent Program. Together, these programs make up the largest component within the ACTION agency.

H.R. 1312 increases the stipend paid to low-income foster grandparents from $2.20 per hour to $2.35 in 1991 and to $2.50 per hour in 1992. This most deserved increase in stipends will surely contribute to the expansion and strengthening of the Foster Grandparent Program.

The Older Americans Volunteer Programs give our Nation's elders the opportunity to

contribute to their communities; providing for the needs of others, as well as fulfilling needs of their own.

The Suffolk County Foster Grandparents Program, which is within my congressional district, is an outstanding example of just how valuable Older Americans Volunteer Programs are to our Nation. Earlier this year, I had the honor to attend an anniversary luncheon hosted by the Suffolk County Foster Grandparents Program. At the luncheon, all seniors enrolled in the Foster Grandparent Program in the county were publicly acknowledged.

Twelve years ago, the Suffolk County organization started with 15 grandparents working in only one location. Today, 135 foster grandparents work at 42 different locations in Suffolk County. These caring seniors work in a variety of areas, including working with children who are emotionally disturbed, mentally, retarded, or hearing disabled. They provide a particularly valuable service by working at infant day care centers in high schools allowing teenage mothers to complete their high school educations. Finally, they work in drug prevention groups. The Suffolk County Foster Grandparent Program helps our neighbors in 12 school districts, seven day care centers, and one group home.

The passage of H.R. 1312 exemplifies our commitment to our Nation's elderly. Thanks to senior volunteers, the Foster Grandparents Program shows us just how well an intergenerational program works.

HARRISON AVENUE SCHOOL SHOWS LOVE OF FLAG AND COUNTRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SOLOMON. Mr. Speaker, something happened in my district that gives me great confidence in the youth of America, and, therefore, in America's future.

I had given an American flag and certificate to Harrison Avenue School in South Glens Falls, NY. The students and faculty responded recently by holding a Flag Day assembly and presenting me with a proclamation dated June 13, 1989. I will let the proclamation speak for itself:

Hereby be it known that all of the 370 students of Harrison Avenue School have:

Learned the meaning of the Pledge of Allegiance.

Learned the history of our American Flag.

Learned the significance of Stars, Stripes and of the colors of our Flag.

Learned the proper ways to display the Flag correctly.

Learned to hold the Flag correctly.

Learned proper respect for the Flag as it passes in a parade.

Learned songs, poems, and stories of the Flag.

Harrison Avenue School has held outstanding Flag Day Celebrations for the last nineteen years.

We the undersigned are:

PROUD OF OUR NATION.
PROUD OF OUR NATION'S HISTORY.
PROUD OF OUR NATION'S EMBLEM.

The proclamation was signed by Principal James Baker, Superintendent Ruth Kellogg, and by every student.

The assembly itself included a Pledge of Allegiance, readings, patriotic songs by the school band, and other events.

Mr. Speaker, nearly a thousand flags were waving in the auditorium. It proves that the American flag is more than a mere symbol, and that if we fail to preserve respect for our flag, we are signaling our own loss of spirit. I can only wish that five Supreme Court Justices could have been there.

Please join me in saluting the faculty and students of Harrison Avenue School, in whose hearts a love of flag and country is still deeply rooted.

MARY M. AUTHIER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. PURSELL. Mr. Speaker, I would like to bring to your attention the outstanding teaching ability of Ms. Mary M. Authier, fourth grade elementary teacher at John F. Kennedy School in Livonia, MI.

For the past 5 years, Mary Authier has sponsored a unique and highly successful intergenerational learning exchange between local senior citizens and her elementary students.

I know the great joy and satisfaction senior volunteers gain from helpling tutor students in reading, or just "being there" to share in their academic triumphs. Over the years, genuine and truly loving relationships have been established between their "adopted" grandparents. As you know, studies indicate that the more parents, grandparents, or other caring adults interact with students, the more time learning process is enhanced. This has been the case, thanks to Mary's untiring and carefully planned program.

I thought you should know about this truly remarkable educator and the wonderful experiences she has organized for Livonia seniors and students alike.

FLORIO HAILS CAPE MAY "INSTITUTION"

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. FLORIO. Mr. Speaker, I am especially pleased to bring to the attention of my colleagues a woman who has graced the Chalfonte Hotel in Cape May, NJ for 66 years. Mrs. Helen Dickerson has spent a lifetime preparing unique meals that reflect her southern heritage and providing a pleasant atmosphere for visitors to this charming southern New Jersey resort.

The family style dinners for which Helen is known are as much a part of the Chalfonte Hotel as its beautiful Victorian architecture. Having first come to the hotel as a young girl, Helen started working as a babysitter for the Innkeeper's children, earning about $3 a week. She then served as a waitress is the hotel's dining room until, in 1945, the head cook retired. She was asked to take the job on a temporary basis and has been filling in ever since. Fortunately for all of us, Helen has resisted the lure of retirement and now at 80 years young, she has no intention of doing so.

It is interesting to note, Mr. Speaker, that 4 generations of Dickersons have prepared the one-of-a-kind meals at the Chalfonte. They include Helen's mother, Clementine, who passed on the tradition of fine southern cooking and Helen's daughters, Lucille Thompson and Dorthy Burton. Of course, the grandchildren lend their efforts during the busy summer season ensuring a memorable visit for the hotel's guests.

It is a special occasion to visit the Chalfonte and I would highly recommend to my colleagues that a visit to the grand old hotel—being sure to frequent the dining room—is well worth the trip. I salute Helen Dickerson on her 80th birthday and wish her will for the many years to come.

OUR NATION'S STRATEGIC DEFENSES

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to bring to the attention of my colleagues the strides taken in the area of our Nation's strategic defenses.

On March 23, 1983, President Reagan solicited the support of the Nation to experiment and develop a system of defensive weapons to shield our people from nuclear attack. The program was criticized by many for its technical unfeasability and threat to global security.

Yet 6 years later, Mr. Speaker, as a direct result of joint congressional and administrative support for the SDI program, the two superpowers are experiencing a period of relaxed tensions. We have witnesses unprecedented arms control agreements, and a climate much more conducive to further offensive arms reduction dialog.

Furthermore, great strides have been made in the technological aspects of SDI. Now, not only is SDI a technologically feasible system, but our experimentation inches us ever closer to the realization that SDI is our inevitable future.

Several weeks ago, in a briefing for select House Members, Lt. George Monohan, Jr., director of Strategic Defense Initiative Organization, stressed the Bush administration's goal to pursue research for strategic defense technologies, and that within 4 years, the administration would like a potential decision for deployment. The emphasis furthermore is placed on emerging technologies, such as the promising new system of brilliant pebbles.

Fortunately, the commitment of the Reagan administration over the last 6 years has been unwavering. We have come a long way with SDI, and we are now reaping the benefits of it as a policy program. We must continue as fer-

vently as ever in our quest for redirection toward defensive weapons.

The United States has never been a nation to shirk a challenge. We cannot turn our back on technology or the future, so let us be the pioneers, and let us continue forward with SDI.

THE CATASTROPHIC PREMIUM CORRECTION ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. CONTE. Mr. Speaker, I rise today to introduce a bill which contains one suggestion for addressing concerns over the new catastrophic health insurance program for our senior citizens. This bill, the "Catastrophic Premium Correction Act," is an expression of commitment to fund and operate that program in a fair and responsible way.

We are all aware of the concerns with the catastrophic program, and the way in which it has been received by seniors. Most of us were hearing from seniors in our districts saying that they wanted to see the catastrophic bill pass, but now, not everybody is happy with the cost.

One relevant fact that has come to light is the fact that revenues that will be raised by the new catastrophic premiums could far exceed the cost of the catastrophic benefits, at least for the first years of operation of the program.

Certainly, some cushion or safety margin has to be built in. But I have seen figures which suggest that the premiums for the catastrophic package in the 1990 fiscal year will raise about $1.3 billion more than the cost of financing those benefits during that year. Over a 5-year period, the premiums currently set in the law could raise more than $9 billion above the cost of financing the new benefits. That's more than twice the "safety margin" that was originally intended.

The catastrophic debate is far from over—there will continue to be hearings on how the financing mechanism could be improved and studies to determine the impact of different financing possibilities on seniors' out-of-pocket costs. Some people think the catastrophic benefit should be scrapped altogether. Others think it should be delayed and studied. And some still insist that it is a good deal.

I don't know how long it will take to resolve this debate. I'm not sure it can be resolved finally during this year. But I think we can agree on one basic principle of fairness which we can and should achieve immediately; and that principle is this—seniors shouldn't pay any more for these benefits in a given year than they actually cost in that year. Right now, there is nothing in the law that allows the premiums to be recalculated every year, and then readjusted downward if the statutory formula produces revenue that is too high.

The one "fix" I think we should all agree on right now is to add that flexibility to the law, to guarantee that Medicare premiums are going only to pay Medicare benefits.

I expect to hear objections to doing this—that we should wait and get another reestimate of what the catastrophic bill will cost to make sure this surplus is not needed.

But my response is this—this bill will still allow for reestimates of the cost, and for a proper safety margin for estimating error. But we don't have to wait until we get a final estimate every year to figure out what to do and to try to quickly enact legislation. We should set into place right now a mechanism that will guarantee to seniors that the premiums will be adjusted every year to fit the costs of the program, including a proper safety margin. And that is what this bill does.

One problem with this proposed reform is that the revenues generated by the catastrophic health insurance program have already been taken into account in calculating Federal deficits. Cutting back on the amount of premiums could thus be calculated to increase the deficit. My response is that this is but one of many budget deficit problems that can be taken care of, hopefully, in the budget summit discussions now underway.

Maybe we can't reform the budget process this year in time for the final reconciliation bill, which would be the most likely vehicle for that kind of change. And maybe we won't have the final solution on how to change the catastrophic package by then. But what we can do by then is to pass this bill, to guarantee to seniors that one promise will be fulfilled, that one measure of fair play will be restored to this issue—and that is that seniors will not pay excessively more for these benefits than the benefits are worth.

I hope this proposed legislation will make a positive contribution to the debate over catastrophic health insurance. That is my intention. It is not meant as the final answer, but as a step that can be taken immediately while the debate continues.

Catastrophic health insurance is an important issue that calls for careful deliberation and debate. Its goals are noble—to assure that no senior will be straddled with huge hospital bills. But if we cannot come up with a consensus on how to pay for this new insurance program, then we may never achieve that noble goal. So I hope this issue will receive the careful deliberation and debate that it deserves.

THE ALLEN PARK VA HOSPITAL: 50 YEARS OF HEALTH CARE SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DINGELL. Mr. Speaker, I rise today in honor of the 50th anniversary of the Veterans' Administration hospital in Allen Park, MI, in my congressional district. This occasion marks 50 years of service to the veterans of southeast Michigan and serves as a testimony to our commitment, as a nation, to care for our honored veterans in their times of need.

In 1937, Henry and Clara Ford donated to the Federal Government the land on which the Allen Park facility now stands. On July 27, 1937, a groundbreaking ceremony was held paving the way to a six-story facility that housed 350 general medical/surgical beds. The hospital admitted its first veteran on April 15, 1939.

Since then, the Allen Park facility has expanded. To handle the increased medical care needs of World War II veterans, two 10-story wings were added in November 1947. In October 1960, two three-story wings were constructed to serve as an outpatient clinic and administration offices.

Today, the Allen Park facility is a campus-like complex consisting of a large, multiwinged, 611-bed hospital with separate outpatient, administration, and maintenance buildings. It provides inpatient care to over 6,000 veterans and records over 25,000 outpatient visits every year. The Allen Park facility is a complete health care facility, providing surgical, neurological, psychiatric, and intermediate care, as well as nursing home care.

In September 1988, Congress passed legislation providing funding to establish a dual campus facility in southeast Michigan, consisting of a new 503-bed Detroit facility to take over surgical and intensive care for veterans along with funds to restore and improve the Allen Park facility to provide long-term nursing care for veterans.

The Allen Park Veterans' Administration facility has come a long way since its modest beginnings 50 years ago. It now symbolizes the commitment of our Nation to our distinguished veterans. With the planned improvements, the Allen Park facility should be able to provide another 50 years of health care, in fulfillment of the obligation our Nation has incurred to the veterans who served selflessly to preserve this great country.

GREETINGS TO TOM CHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. MATSUI. Mr. Speaker, I rise today to offer my greetings to Tom Chan on the occasion of his 70th birthday. Tom's family and friends celebrated this special occasion over the weekend and I sincerely regret that I was unable to be on hand for the festivities.

Tom was born on July 17, 1919, and grew up in Sacramento, graduating from Sacramento High School in 1937. Tom went right to work for his father's new business, General Produce, which had been started 4 years earlier, in 1933. It was not long before Tom was engaged to the lovely Mae Chuck, and they will soon be celebrating their 42d wedding anniversary.

Tom and Mae have been blessed with four children, Mavis, Marcia, Tom, and Adrienne, and one grandchild, Blake. No mention of Tom's family would be complete without making mention of their dog, Muffin, an adorable golden retriever. Tom, along with his brothers Ed and Dan and cousin Davis, have dedicated their life to making General Produce a responsive, profitable business.

Their efforts have unquestionably paid off. Tom is now in the enviable position of having some time to spend with Mae, and to spend on the golf course or in the garden, while still

playing a critically important role in the operation of General Produce. Tom has had the good fortune to be able to travel extensively, and I hope that this good fortune will continue long into the future.

Mr. Speaker, I appreciate having this opportunity to extend my warmest wishes to Tom on the occasion of his 70th birthday, and wish him many more happy returns.

AMNESTY INTERNATIONAL TELLS THE TRUTH ABOUT THE TRAGEDY OF ETHNIC ALBANIANS IN YUGOSLAVIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues a very revealing and disturbing report about the sufferings of the ethnic Albanian community in Yugoslavia. According to a recent Amnesty International report, the human rights of ethnic Albanians were clearly violated during the recent disturbances in Kosovo province. I strongly urge the administration to convey to Yugoslav authorities our Government's fervent desire that the human rights of all ethnic groups in Yugoslavia be respected. We must do everything we can to strengthen, and not weaken, the fragile bonds which unite the many ethnic communities in that country.

I want to commend to my colleagues the following excerpts from "Yugoslavia: Administrative Detention ('Isolation') Torture Allegations."

YUGOSLAVIA: ADMINISTRATIVE DETENTION ("ISOLATION") TORTURE ALLEGATIONS

This document updates the 10-page external paper: Yugoslavia—Recent Events in the Autonomous Province of Kosovo (AI Index: EUR/08/89). It provides information about the practice of administrative detention (locally known as "isolation") under which 237 people (ethnic Albanians from Kosovo province in nearly all cases) have been detained without charge for trial, some of them since the introduction of partial state of emergency in Kosovo province at the end of February 1989. Although by mid-June at least 132 detainees had been released, to AI's knowledge by 21 June 1989 an unknown number of people continued to be held in isolation.

Included are translations of accounts by two former detainees which have been published in the Yugoslav press. Both allege that following their arrest on 28 March they were sent to prisons in Serbia where together with many fellow ethnic Albanians, they were savagely beaten by police or prison guards. They were released without charge on 15 May 1989.

Amnesty International believes that isolation violates both the Yugoslav Constitution and Yugoslavia's international human rights undertakings under the International Covenant on Civil and Political Rights, ratified by Yugoslavia in 1971. The organization has urged the immediate and unconditional release of all those detained for the nonviolent exercise of their human rights and an end to isolation. Amnesty International further calls for an investigation by an independent and impartial commission into torture allegations made by former detainees now released from isolation.

ISOLATION

There is no judicial supervision of isolation, which is entirely in the hands of the police and the state security forces. According to press reports and other information received by Amnesty International, detainees are not informed at the time of arrest or later of the grounds for their detention; they have no right of access to lawyers and cannot challenge their detention in court. Their families have frequently not been informed of their whereabouts and some have been able to obtain this information from police headquarters only after many days of repeated inquiries.

AMNESTY INTERNATIONAL'S CONCERNS

1. Isolation

On 10 May, in a communication to the Yugoslav authorities, Amnesty International contended that the practice of isolation was in breach of Article 178 of Yugoslavia's Constitution and also violated Yugoslavia's international human rights undertakings, in particular Article 9 of the International Covenant on Civil and Political Rights (ratified by Yugoslavia in 1971). Amnesty International noted that this article provides that anyone who is arrested must be informed at the time of arrest of the reasons for it and shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of detention. Amnesty International called for an end to the practice of isolation and the immediate and unconditional release of all those detained for the non-violent exercise of their human rights.

2. Torture allegations

The Croatian press has published accounts by two former detainees who were held in isolation from 28 March to 15 May 1989. One of these, Agim Vllasi, a 31-year-old driver, alleged that he had been brutally beaten by police in Leskovac prison as had other ethnic Albanians detained with him. Similar allegations of torture during isolation were made by Bahri Osmani, a 26-year-old greengrocer (see below).

Amnesty International notes that ethnic Albanians charged with political offences have frequently alleged at their trials that following their arrest and during investigation proceedings they were threatened, beaten or otherwise physically ill-treated by police or state security officials, usually with the aim of obtaining self-incriminating statements from them. Similar allegations have been made, though less frequently, by members of other nationalities in Yugoslavia.

On the basis of information it has received in past years, Amnesty International considers that ethnic Albanians suspected of political offences risk ill-treatment following arrest, even when—as has generally been the case—formal criminal proceedings are started against them and they have at least the nominal protection of safeguards provided by the code of criminal procedure, including access to a lawyer and judicial supervision of investigation proceedings.

BACKGROUND

In February 1989 troops were sent into the autonomous province of Kosovo after a general strike by ethnic Albanians in protest against proposed constitutional changes. These were aimed at giving greater control over the province to the Republic of Serbia (one of Yugoslavia's six constituent republics) of which Kosovo is part. After these constitutional changes were passed by the Kosovo Assembly on 23 March, there were six days of demonstrations and riots by ethnic Albanians (who constitute over 85 percent of the population of the province). At least 24 people (two of them police) died in clashes between security forces and demonstrators. Since then over 900 demonstrators, among them school students, have been summarily jailed for up to 60 days or fined, sacked or disciplined for taking industrial action in solidarity with ethnic Albanian strikers. There have been purges of Party organizations, journalists, teachers and others. An unknown number of school students who demonstrated have been expelled from school. (For further background information, please refer to EUR/48/08/89—*Yugoslavia—recent events in the autonomous province of Kosovo,* issued in May 1989.)

DETAINEES HELD IN ISOLATION

The authorities at first remained silent on the question of isolation and it was not until the issue began to be raised in the press and questions were asked in the Croatian Assembly that a first official statement was made (on 28 May) which acknowledged the practice of isolation and gave figures. Most recently, on 9 June, the official Yugoslav news agency Tanjug, citing a report by the Federal Secretariat for Internal Affairs, stated that a total of 237 people had been detained in isolation since 1 March 1989. Of these, 46 remained in isolation and 132 had been released. Police had initiated criminal proceedings against 41 others and proceedings for "minor offences" (punishable with up to 60 days' imprisonment), against a further 18. The measure of isolation, it was stated, had been applied to people who, according to the information of the State Security Service, had inspired, initiated or organized demonstrations in Kosovo, who were members of illegal nationalist groups, or who were linked to "hostile" emigres or to foreign intelligence services. Amnesty International notes, however, that all the above activities are criminal offences under Yugoslav law; if the police indeed had information of this kind against those interned, it is inexplicable that the authorities resorted to administrative detention, rather than criminal prosecution.

Information from press reports and unofficial sources suggests that probably the majority of those who have been detained in isolation are educated ethnic Albanians officially regarded as nationalists. It appears that they include a considerable number of people who signed a petition which was sent in February to the Serbian Assembly expressing opposition to constitutional changes. The measure of isolation has also been applied to an unknown number of high-school students who may well be minors.

Among the first to be put in isolation was Ibrahim Osmani, at the time head of the information service of the Kosovo League of Communists, who was arrested at the beginning of March; to Amnesty International's knowledge he remains in detention. (There are reports that criminal proceedings on political charges may recently have been instituted against him.)

PUBLISHED ACCOUNTS BY FORMER DETAINEES HELD IN ISOLATION

So far, the most detailed accounts of conditions and treatment of detainees have been published in the Croatian press. On 30 May, the respected Croatian weekly journal Danas (Today) published an account by a former detainee Agim Vllasi. On 11 June the Sunday edition of the Croatian daily

newspaper Vjesnik (Herald) published an account by Bahri Osmani.

Danas, 30 May 1989

Agim Vllasi, a 31-year-old driver employed by the Centre of Social Work, Kosovska Kamenica, was released from "isolation" on 15 May. Agim spent a total of 49 days, first in Leskovac prison and then in Central Prison, Belgrade, without the right to investigation proceedings, indictment, defense or lawyer and without knowing why and for how long he would be detained behind prison walls. Only after a month of searching and daily inquiries at police headquarters in Pristina and Gnjilane were his family able to ascertain his whereabouts and his legal status. They were sent from one police station to another, each time being assured that really Agin was being detained in the other one.

In the meantime, prison officials comforted him with the information that he was not under arrest but "isolated".

In fact, Agim Vllasi, after almost two months in prison is in possession of documents which testify to an arrest which both is and is not one. The decision dated 28 March, issued by Jusuf Karakushi, Kosovo's police chief, orders a "stay in a particular place" meaning that "the person named above is ordered to stay in the premises of Leskovac prison . . . given the fact that the activities of the above named person were aimed at undermining law and order." A further decision, dated 15 May, however, revokes the order to "stay in a particular place," because according to the opinion of the Kosovo police "the measures taken against the above-named person are no longer considered necessary".

"Of those I met on the bus I was the only one without academic qualifications. All the others were teachers, doctors, engineers, directors of various companies in Kosovo," recalls Agim.

They arrived in Leskovac about 7:30 pm. While the majority of these strange travellers continued their forced journey, about 20 were called out and taken down a long narrow corridor, which the police, very descriptively, named the "sardine tunnel". Agim Vllasi was the first detainee called to the reception section of Leskovac district prison where he found a table, two chairs, a doctor and several eager policemen. After he had dictated his personal details to the officer in charge and answered the doctor's questions about his excellent state of health. Agim was ordered to turn his face to the wall. Then the torture began. In the reception room he was beaten by two officers, in the corridor leading from the reception room to the toilet he faced a double row of arms, legs and truncheons, and in the toilet another three beat him. He was then taken to another room, made to take off his clothes and sent to room 7. With his clothes in his hands he had to run the gauntlet of the police cordon again. When he arrived at at No. 7, one of ten similar cells, he found there three others who had undergone somewhat shorter "isolation" treatment but were also beaten and naked: an Albanian whose name he cannot remember, Dr. Rexhep Ismail, professor of Albanian language and literature, and Xheladin Rekalli, electrical engineer. The prison officer peered into that "particular place", punched Rexhap once or twice saying that "it was owing to him" and then the door was locked.

Nedjelnji Vjesnick—11 June 1989

Some bananas which were allegedly given to the miners of Stari Trg mine at the time of their underground sit-in strike are apparently the reason that two greengrocers from Stari Trg were among the several hundred people to whom the measure "staying in a particular place"—otherwise known as isolation—has been applied, along with university professors, cultural and social workers, directors and various political leaders.

At 5 a.m. on 28 March police knocked at the door of the family home of 26-year-old Bahri Osmani in Titova Mitrovica where he lives with his parents and two brothers. Bahri Osmani is a private greengrocer with a store in Stari Trg.

Bahri was first taken to police headquarters in Titova Mitrovica. "They brought me into a room in which there were two police inspectors; one of them told the other, an Albanian, to leave the room. When we were alone, he began to swear at me and threatened to kill me if I didn't tell him everything about how I'd sent bananas and other fruit to the miners and about my uncle in the Federal Republic of Germany. Another police officer came in and told me to confess everything or they would shoot me and he swore: "We're not communists if we don't release you if you confess." I said: "What am I to confess? I haven't done anything." They then asked me to give the names of at least five demonstrators and threatened I wouldn't get out alive if I didn't tell them. They asked me what I thought of Azem Vllasi, what sort of man he was. I said a good one . . .

"They brought us to Leskovac. Some twenty policemen were waiting for us there in the prison courtyard. It was night. One police officer called out from a list the names of those who were to remain in Leskovac and as they got out of the bus the waiting police immediately began to beat them, mostly with their truncheons. They led them to a wall close by, turned their faces to the wall and beat them. The Albanian police officers who had come with us as an escort covered their eyes with their hands, I saw that. The rest of us, whose names had not been called—about half of those in the bus—were taken on to Vranje. But when we got to Vranje, the torture awaiting us was such that I don't think I could ever endure it again. As soon as the bus arrived in the prison courtyard in Vranje—by now it was dawn—a large group of policemen gathered round it. I heard one of them say "Now you've come we'll have a party." As we came out of the bus, each of us received a hail of truncheon blows, punches and kicks.

"They put us all into one small room; I remember they counted us and that we were 36 and the room no more than four to five metres square, the doors and windows were closed. The weakest amongst us fainted, we couldn't move or breathe. In the end only three or four of us younger and stronger men remained on our feet. One guard began to beat those of us who were still standing, who hadn't fainted, about the head. They later moved us to cells, in fours, from where we were summoned, one by one, to another room for questioning. We were ordered to undress and then the beating began. They beat us everywhere in every imaginable way.

"The fifth day a nurse came to take a blood sample. As my arms were almost numb after being tightly bound behind my back for five days. I felt only an excruciating pain. When she tried to take some blood, she failed—she found the vein and put in the needle, but the blood didn't come. She was frightened and hurried out of the cell. I suppose to look for a doctor. A guard soon came, took my chains off and allowed me to walk about. The same day they brought me back to Sabac prison. Things were better for me there and my father visited me. They didn't beat me any more in Sabac, though they beat others, they would return to the cells bleeding, with teeth knocked out or with a broken arm—which is what happened to the other greengrocer from Titova Mitrovica, Jakup Rexhepi. They mostly questioned me about the bananas. They said they had a photograph of me bringing bananas to the mine. I told them to show me it—I knew they couldn't, for I didn't go to the mine nor did I bring anyone bananas. In Sabac they allowed me to buy cigarettes with money my father had brought me . . . we could also buy newspapers . . .

"Finally, on 15 May they called me and again gave me something to sign—it was the decision ordering my release; that was my second signature, the first was on the fifth day of my detention when they gave me some paper, some statement to sign. They brought us by bus to Priština and from Priština to Titova Mitrovica in a flashy "Renault"—presumably they didn't have any other car. I couldn't believe that I had come home, that I was still alive, that I was once again in my house." concludes Bahri Osmani, who happened to be one of those 237 people—as official figures have it—to whom the measure—which they say is constitutional—of isolation was applied. Whether this constitutional provision sets out how those who are isolated are to be treated and whether it details the procedure which they must undergo, is not known to Bahri. He went to a lawyer ("He told me that I wouldn't gain anything, that it would be a waste of time to sue . . .").

TRIBUTE TO GENERAL MAX THURMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to a great American, Gen. Max Thurman, who will soon be retiring from his post as commanding general of the U.S. Army Training and Doctrine Command.

General Thurman is a North Carolinian by birth. He studied chemical engineering at NC State University in Raleigh, and was commissioned a second lieutenant upon completion of NCSU's Reserve Officer's Training Corps program. Later in his career, he attended the U.S. Army Command and General Staff College at Fort Leavenworth, and in 1970, the Army War College, at Carlisle Barracks, PA.

His career has also included tours at Fort Bragg, Fort Sill, and Fort Monroe, before coming to Washington in 1977 as the Director of Program Analysis and Evaluation in the Office of the Chief of Staff. General Thurman also served his country well during the Vietnamese conflict; his first tour in Southeast Asia began in 1961, and his last ended in 1968. In performance of his duty he has earned the Distinguished Service Medal. His record also shows the receipt of the Legion of Merit, the Meritorious Service Medal, and the Bronze Star Medal with V Device, all including

the prominent Oak Leaf Cluster. It is most reassuring to see one of America's finest recognized.

On June 23, 1983, Maxwell R. Thurman was promoted to his present rank of General, and became Vice Chief of Staff of the U.S. Army. On the 8th of August this impressive career will come to a close.

I am proud to stand today, Mr. Speaker, and say thanks to General Thurman for his hard work and dedication to the United States of America. I wish him all the best during his retirement.

WE MUST MOVE FORWARD ON CIVIL RIGHTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. EDWARDS of California. Mr. Speaker, the Civil Rights Act of 1964 is an important element in the foundation of American civil rights. The benefits of that legislation have allowed us to move toward the elimination of discrimination in the United States.

In recent decisions, however, the Supreme Court has changed laws that for years have helped disadvantaged members of society improve their lives. Among a number of decisions which harm decades of progress in civil rights, the Court imposed severe restrictions on the statute of limitations for workplace discrimination cases, and also ruled that litigants in workplace discrimination cases must meet a completely unreasonable burden of proof.

The following article, the Los Angeles Times, July 11, 1989, "Chilling a Quarter Century of Civil Rights Progress Is No Mere Technicality," written by our distinguished colleague, Representative AUGUSTUS F. HAWKINS of California, points out some of the dangers of these Supreme Court rulings. Congressman HAWKINS is certainly correct when he claims that "burdens of proof and statutes of limitations are the important legal means minorities, women, senior citizens, and others have used in our legal system to make the legislative promise of human quality a practical reality. * * * We must affirmatively move to ensure equal opportunity and review possible legislative remedies."

I look forward to continuing to work with Mr. HAWKINS, the very able chairman of the Education and Labor Committee, in devising that legislative remedy. We must strive to preserve and extend the guarantee of civil rights, or else the structure of our society may crumble.

CHILLING A QUARTER CENTURY OF CIVIL-RIGHTS PROGRESS IS NO MERE TECHNICALITY

Twenty-five years ago I was a freshman member of Congress learning the ropes after an earlier career as a California assemblyman. I was involved in the House debate on the Civil Rights Act of 1964, and as the first black representative elected from the West, I was keenly interested in the direction of this debate.

I will never forget the hours of harsh discussion in committee and on the House floor, and the parliamentary maneuvers used by opponents to bottle up the bill.

Senate finagling was even worse, with a 75-day filibuster and the introduction of 119 weakening amendments.

It was the shock of President John F. Kennedy's assassination that provided the catalyst we needed to force congressional action.

We have just celebrated the 25th anniversary of the signing of the landmark Civil Rights Act of 1964, which guarantees the rights of equal access to employment, education, public facilities, housing and public accommodations to all Americans, regardless of race, color, religion, sex or national origin.

In light of the commemoration, I find myself reflecting on the monumental struggles we as a country have endured.

When I was born in Shreveport, La., in the first decade of this century, virtually every aspect of my family's life, from employment, to housing, to use of public places was restricted by segregation. Because of this, my father packed up my mother, my sister, brothers and me and moved the family to Los Angeles. Here we hoped to escape the grip of legally mandated discrimination and improve our educational prospects.

While the ruthlessness and ugliness of segregation was most apparent in the South, various degrees of discrimination were in existence throughout our country, including, unfortunately, California. It took lynchings, riots, two world wars and years of massive civil disobedience and millions of individual acts of courage to bring us to the 1960s. Only when the national political, economic and social agenda merged did we produce the final push needed to enact legislation to abolish the vestiges of legal segregation.

The last 25 years have seen many improvements in the practical implementation of equal opportunity in education, employment, housing and public accommodations and facilities. But fine-tuning continues to be needed. Under both Republican and Democratic administrations, we have clarified the intent and strengthened the enforcement mechanisms of equal-opportunity law. Case law over most of the last 25 years also has strengthened the law.

How ironic it is, then, that within days of the 25-year celebration of this watershed law, the Supreme Court handed down devastating decisions that rock the very foundation of the guarantee of civil rights in this country. Yet President Bush dismissed these decisions as "technical subjects—we're talking burdens of proof and statutes of limitations."

While guarantees for equal opportunity to a job, quality education and business development may be interesting breakfast conversation to our Chief Executive, they are a matter of basic economic survival to millions of Americans. Burdens of proof and statutes of limitations are the important legal means minorities, women, senior citizens and others have used in our legal system to make the legislative promise of human equality a practical reality.

We must not accept the status quo when it comes to these very fundamental tenets of our entire democratic system. We must affirmatively move to ensure equal opportunity and review possible legislative remedies.

As President Lyndon B. Johnson said of civil rights in 1964: ". . . this is not merely an economic issue—or a social, political or international issue. It is a moral issue."

Blatant and concealed discrimination unfortunately continue to survive in 1989 America, despite the great strides we have made. We have not yet completed our journey to a color-blind society. As my father acted more than 70 years ago to provide an atmosphere of equal opportunity for his family, so too must we act today to guarantee civil-rights protections for our future generations.

REMEMBRANCE OF FREDERICK RIEDER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. KOSTMAYER. Mr. Speaker, I rise today to recall the late Frederick N. Rieder of Drexel Hill, PA.

Rick Rieder's life was a long and productive one. Throughout his life he contributed enormously to his community in southeastern Pennsylvania. He had many reasons to be proud, but his greatest joy was his large and loving family. Rick is survived by his wife Dolly, and their three sons, Rem, Jon, and Eric.

Rick Rieder's service to his country and his community started at an early age. During World War II, he served in the U.S. Army Air Corps and achieved the rank of second lieutenant.

He believed that America is a great country, but he also thought it could be made even better. He took an active role in politics in Delaware County, PA. Rick served as a delegate to the 1972 Democratic National Convention in Miami. Even his final act was oriented toward community service, for he donated his organs to science in the hope that his body would aid in the recovery of others.

Rick Rieder was also successful in the business world. He founded an advertising sales agency which specialized in services for ethnic newspapers in Philadelphia.

Mr. Speaker, Rick Rieder will be missed in Delaware County in Pennsylvania and in progressive circles everywhere. I join my colleagues in expressing our condolences to Dolly Rieder and her sons for their great loss.

TRIBUTE TO MAJ. GEN. DAVID W. FORGAN

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SARPALIUS. Mr. Speaker, as you know, Sheppard Air Force Base is a critical link in our Nation's air defense as well as a driving force in Wichita Falls and the entire 13th District. Although the base has always been strong, under the leadership of Maj. Gen. David W. Forgan during the past 2½ years, Sheppard Air Force Base is more prepared than ever to play its vital role in our national defense well into the 21st century.

General Forgan, a Chicago native and graduate of the University of Colorado, has an impressive service record, with more than 4,000 flying hours to his credit. He flew 100 combat

missions over North Vietnam, and has received such military awards as the Defense Distinguished Service Medal, Silver Star, and the Defense Superior Service Medal. Somewhere in there, he also found time to earn a master of science degree from George Washington University.

After several prestigious tours of duty, including tours at the United States Air Force Headquarters in Europe and the Allied Forces Central Europe Headquarters in the Netherlands, the general took his post at Sheppard in March 1987.

The general has always been a strong leader and an inspiration to his men. His belief in and love for his country has left its indelible mark on Sheppard Air Force Base.

General Forgan successfully led Sheppard Air Force Base through one of the most important periods in its history. He saw the base through the renewal of its Euro-NATO Jet Training Program contract, guaranteeing NATO and other European pilots will continue to train at the base for at least another 15 years.

In addition, he was at the helm during the recent base closings and realignment process. Sheppard will receive more than 800 new military and civilian personnel, as well as millions of dollars in new construction as a result of an Illinois base closing. This transition would have normally been a tumultuous event for Sheppard Air Force Base, but General Forgan has set the tone for an orderly transition.

After a lifetime of service to his great country, General Forgan has announced he will retire from the Air Force at the end of the month. The general and his wife, Shirley, will live in Colorado Springs.

His last day at Sheppard was today, and, Mr. Speaker, I would ask the House to join me in expressing my heartfelt thanks to General Forgan for all he has given this Nation.

A TRIBUTE TO CLINTON COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. CLINGER. Mr. Speaker, I am pleased to rise today to congratulate Clinton County, PA, on the celebration of their sesquicentennial year. I wish to take this opportunity to salute the residents of Clinton County as they commemorate 150 years.

Clinton County was established on June 21, 1839, when it was formed from parts of Centre and Lycoming Counties. Much of the land in Clinton County appears today as it did 150 years ago. It is a haven for the avid outdoorsman offering everything from hunting, fishing, hiking, and camping, to snowmobiling, cross-country skiing, and hang gliding.

Importantly, Clinton County's economy is also highly diversified. Farming, lumbering, mining, manufacturing, and other business and professional ventures have steadily grown through the years. And, the county also offers an outstanding institution of higher learning in Lock Haven University.

From June 21 through July 2, the people of Clinton County celebrated the county's 150th anniversary with picnics, parties, and concerts. They have also put on programs for children, an ice cream social, and an all faiths ministerium service.

My hat is off to all the residents of Clinton County who have worked to make the sesquicentennial celebration a huge success. For my part, I would like to submit a resolution from the Clinton County Commissioners—Charles A. Cruse, William R. Eisemann, and Carl W. Kephart—acclaiming the people of Clinton County as they celebrate Clinton County's sesquicentennial year.

A RESOLUTION ACCLAIMING THE PEOPLE OF CLINTON COUNTY AS THEY CELEBRATE CLINTON COUNTY'S SESQUICENTENNIAL YEAR

Whereas, One hundred and fifty years ago, on June 21, 1839, the General Assembly of our great State of Pennsylvania created Clinton County from parts of centre and Lycoming Counties; and,

Whereas, This great county was named to honor the canal-building governor of New York, DeWitt Clinton; and,

Whereas, Clinton County offers a high quality of life with diversified economic, social and cultural attractions that include farming, lumbering, mining, manufacturing, business and professional opportunities and a school of higher education; and,

Whereas, The best of Pennsylvania's natural beauty is to be found in Clinton County where more than five hundred thousand acres of forest land laced with sparkling fresh water streams support some of the best hunting, fishing, snowmobiling, cross-country skiing, hang gliding, ATV trails, and camping to be found anywhere; and,

Whereas, The proud and enthusiastic people of Clinton County are planning a Sesquicentennial Celebration during which their past will be recalled and their future anticipated: Now, therefore,

Be it resolved by the Commissioners of the County of Clinton:

Section 1. That we join with the people of Clinton County in celebrating the 150th anniversary of the creation of Clinton County.

Section 2. That we acknowledge with pride and gratitude the contributions of the people of Clinton County and reaffirm the wisdom of our predecessors in establishing Clinton County.

A POEM TO PAY TRIBUTE TO THE FLAG BY ALBERT WERTH

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SCHUETTE. Mr. Speaker, I would like to share with my colleagues a poem written by a Vietnam veteran, Albert Werth, of Reed City, MI, about our flag and the recent Supreme Court decision allowing people to burn it publicly.

As you may know, I strongly disagree with the Court's decision in Texas versus Johnson that the first amendment protects the right to desecrate the American flag. The American flag is a symbol of liberty and freedom not only for the people of the United States but for people around the world. Many Americans have given their lives to protect our flag, and many more, like Mr. Werth, served in this country's Armed Forces and fought to preserve the freedom that the flag represents.

Mr. Speaker, I hope that my colleagues will take the time to read Mr. Werth's poem and reflect for a moment on what the American flag means to all of us.

OUR FLAG

They stepped on our flag
As it laid on the floor
They burned our flag
As they stood in the door

What in the hell were we fighting for
But the red, white, and blue??

She's the symbol around the world
That talks of freedom when she's unfurled

Why did young men give up their lives
Why did husbands leave their wives?
So that the flag could fly free and proud
Not to be trampled on the ground!

Where is your heart, America?
That flag is your symbol
Not a mat for a few

It's time we stood up and saluted Old Glory
Don't hasten her death
Or we will be sorry

So pray to God
She will fly high and free
For without her,
Freedom has no voice in history

EVERY AMERICAN DESERVES CLEAN AIR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. EDWARDS of California. Mr. Speaker, the declining quality of our Nation's air is a great concern which affects each of us. Restoring clean air is a complicated and tangled problem, requiring a solution which must be equally flexible and far reaching.

Last Friday, July 14, our esteemed colleagues, HENRY WAXMAN and JERRY LEWIS, coauthored for the Los Angeles Times an insightful op-ed piece which offers a firm commitment to clean air and suggests a workable approach to this pressing problem. I encourage my colleagues to read the thoughtful article which follows:

LOOK AT CARS—NOT BEHIND TREES—IF WE WANT CLEANER AIR

The longstanding battle over whether clean air is important has ended. President Bush has settled the issue by setting out clear clean-air goals and eloquently articulating the need for decisive action.

The President understands that every American—children, the elderly, asthmatics, even healthy joggers—deserves clean air. And he has challenged Congress to deliver on this promise.

Now that we agree on our goals, Congress can focus on the next half of the debate: How do we clean our air? This is as much an economic question as it is an environmental one. We know how much pollution has to be cut. Now we need to decide who reduces that pollution and by how much.

The most important target of our efforts must be cars and trucks. From Long Island to Los Angeles, motor vehicles are the largest source of urban air pollution. Just as importantly, they provide the most cost-effective reductions available.

General Motors and the other auto makers, however, resist any further regula-

tion. They are trying to apply the old tax adage—"Don't tax you, don't tax me, tax that fellow behind the tree"—to air-pollution control.

The auto makers argue that fairness is on their side. They point to their huge investments in pollution reduction and rightly note that today's cars are much cleaner than the ones built 20 years ago. Unfortunately, those emission gains have been offset by a record number of cars on the road and an enormous increase in miles driven by American motorists. We will actually lose ground in cleaning the air if we complacently accept the 1970 auto-emissions standards as the best we can do.

Another argument is that we have exhausted technological innovations. One will hear, for example, that gasoline engines can't be made much cleaner and that cars powered by low-pollution fuels cannot be designed for significant production in the near future. Such thinking is narrow-minded and short-sighted.

If we impose inadequate requirements on gasoline-powered engines, the big losers will be "the polluter behind the tree"—local factories and businesses that don't have the money (or the Washington lobbyists) to argue their case now. Shoe factories, bakeries and dry cleaners will unhappily find that they have most of the responsibility for reducing pollution and could face draconian measures.

That isn't fair, it isn't cost-effective and it probably won't result in healthy air.

Clean-air legislation must require vehicles to share equally with traditional stationary sources in the process of reducing emissions. Although no single measure can dramatically cut auto emissions, a host of new controls can bring significant gains at bargain prices.

First, the 1970 tailpipe standards should be gradually tightened to reflect technological advances. This will bring cleaner cars and will still allow the auto makers to adjust their production and planning schedules.

Another important reform is to require pollution-control equipment to last for the life of a vehicle. Right now that equipment only needs to last for five years or 50,000 miles, while most cars last for at least 10 years or 100,000 miles. Doubling the durability requirement will reduce emissions considerably and, according to the Environmental Protection Agency, will be among the most cost-effective solutions.

There also is tremendous potential in using an aggressive alternative-fuels program to supplement controls on gasoline engines. Low-polluting fuels—such as methanol, ethanol and compressed natural gas—are good for our environment and can bring new trade opportunities for U.S. companies. Developing this promise is one of the most exciting breakthroughs in clean-air policy.

It is one thing to put pressure on Detroit to ensure that an adequate number of autos use alternative fuels. It is quite another to successfully convince the oil industry that it, too, must participate by shifting its profit sources from oil and gasoline to alternative fuels. That step will be necessary to make it practical to develop autos fueled by alternative-energy sources.

These measures, taken together, will significantly reduce emissions at the lowest cost. Factories and some small stationary polluters will have to clean up. But by spreading the burden to all polluters, no one will have to do more than his fair share.

The Waxman-Lewis bill, which already has more than 130 co-sponsors, adopts this approach. It puts environmentalists eager for clean air in the same camp as economists eager for cost-effective measures. It means we can enact a law that is good for our environment and avoids unreasonable controls on local businesses.

While the Bush proposal requires too little from cars and trucks, it does provide a point from which to pursue serious negotiation toward reauthorization of the Clean Air Act. We look forward to working with President Bush to enact a clean-air bill that joins good environmental policy with sound economics.

TRIBUTE TO LAWRENCE "LARRY" MUND, 17 YEARS OF PUBLIC SERVICE

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. HARRIS. Mr. Speaker, I come before the House to pay tribute to a constituent who has ably served the residents of Tuscaloosa County. Mr. Larry Mund recently retired after 17 years of service on the board of the Tuscaloosa Transit Authority.

Mr. Mund served on the authority from the time of its establishment in 1971 until 1988, serving as chairman 14 of those 17 years. His goal has been to provide the very highest level of public transportation. Because of the countless hours Mr. Mund devoted to his work, the Tuscaloosa Metro Transit System has been recognized as a model for other cities and has received numerous awards. Mr. Mund's concern for those members of the community who have no other means of transportation demonstrates his genuine regard for people.

Recently, the city of Tuscaloosa showed its appreciation of Mr. Mund by dedicating five new buses and a bus terminal in his honor. Public servants of Mr. Mund's loyalty and skill are priceless assets to any community. His contributions to Tuscaloosa are greatly appreciated and his presence at the authority will be sorely missed. I congratulate him on an outstanding career and in wish him health and happiness in his retirement.

LEGAL SERVICES CORPORATION AND MIGRANT WORKER PROTECTION ACT AMENDMENTS

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mrs. BYRON. Mr. Speaker, today, I am introducing legislation to address certain injustices suffered by farmers at the hands of Legal Services offices. While I know that the Legal Services Corporation has been beneficial to many citizens who cannot afford legal representation, I am disturbed by the many frivolous claims that have been made by certain Legal Services attorneys at the expense of farmers in western Maryland.

The bills that I am introducing today would allow farm workers to file suit in Federal court only after all administrative remedies have been tried through hearings at the State and Federal labor agencies. Further, they would require the workers or the Legal Services bureau to pay the farmer's legal defense fees if the farmers is found to be innocent and if the judge determines the complaint to be frivolous or harassment.

In my own district, the Legal Aid Bureau has filed 15 suits and more than 150 complaints against local fruit growers since the early 1980's. Even when the growers won the case, they often could not afford to sustain the cost of an appeal by the Legal Aid Bureau. As a result, what was once a thriving orchard industry is no longer.

These bills have been narrowly drafted so as not to injure those persons who must legitimately seek counsel from Legal Services. Mr. Speaker, I believe very strongly in the right to legal representation. I have always felt that the Legal Services Corporation has a good purpose and some wholesome goals. I am discouraged, however, that overzealous legal action by Legal Aid against one industry has been allowed to continue without regard to the detrimental effects it has had on the farming community. My bills have been introduced today to call attention to this situation. I urge my colleagues' support.

TRIBUTE TO THOMAS D. MELMS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Tom Melms on the occasion of his retirement as executive director of the St. Clair County United Way. Tom served in this position for the past 23 years, fulfilling many human needs for the citizens of our community.

Tom's long career in community service included 3 years as a field representative for the United Way of Michigan, and 20 outstanding years as a board member for the Economic Opportunity Committee, a Community Action Program of the Michigan Bureau of Community Services.

I know Tom to be one of our community's most decorated members. In 1984, he received the Community Service Award of the Year from Community Mental Health of St. Clair County. In 1985, Tom received the Color of My Life Award from the Alice C. McKinnon Home for Child Guidance. The following year, Tom was presented the Outstanding Community Service Award from Organized Labor of St. Clair County. In 1987, the St. Clair County Branch of the National Association of Social Workers declared Tom their Citizen of the Year. And last year, he was honored as the Community Citizen of the Year. And last year, he was honored as the Community Service Citizen of the Year by the Center for Human Resources.

Tom has been a close friend of mine for many years. My predecessor in Congress, the late Jim O'Hara, also relied on Tom's friendship and advice. Tom is a person who always finds time to help others who seem to have

little hope for themselves or the future. Even though Tom is retiring this week, I am sure his heart will remain open, and our community will continue to enjoy Tom's active participation in volunteer and philanthropy projects for many years to come.

Mr. Speaker, it is my distinct honor and pleasure to ask my colleagues to join me in saluting Tom Melms on the occasion of his retirement. I am proud to have such an active and caring individual in my community.

A TRIBUTE TO COL. JAMES NICHOLAS ROWE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DORNAN. Mr. Speaker, I solemnly step foreward in this chamber today to pay tribute to my friend, the late Col. James Nicholas Rowe.

From his early manhood to his untimely passing Col. Rowe was steadfast in his belief in freedom. The medals and honors he received in the pursuit of freedom are too numerous to name. To the end Colonel Rowe remained a man of intense dedication and personal character, and to all those who knew him he will be sadly missed.

The following is a transcript of Lt. Col (ret) Bert Spivy's poignant eulogy of Colonel James Nicholas Rowe. It is one of the most moving I can remember and it surely deserves, as does Colonel Rowe, to remain a permanent part of the history of the U.S. Congress.

EULOGY FOR JAMES NICHOLAS ROWE

Presented at Arlington National Cemetery on May 1, 1989 by a loving classmate and a guy fortunate enough to have been called his and Susan's friend: Bert Spivy (LTC, U.S. Army Special Forces, retired).

Nick and Susan Rowe have been a perfect team, first as a family with two great boys to follow in Nick's very significant footsteps, and also professionally as unswerving champions of freedom, in spirit of great personal risks that they endured in the Philippines.

As long time close personal friends from our days as aspiring Cadet Company Commanders at West Point in the great Class of '60, through Ranger training where we paired up as supporting buddies, and later as bachelor roommates when we dared to force ourselves into Special Forces as part of a group of 2nd Lieutenants who really believed in the Green Beret calling put forth by another slain freedom fighter, President John F. Kennedy, I would submit that we are all here not to mourn Nick Rowe's physical loss, because he is not totally lost, but rather to pay tribute to another great American.

James Nicholas Rowe, Colonel, United States Army, a man who was passionate about everything he did, his family and the motto of the Green Beret, "De Oppresso Liber", would far rather that we all celebrate his ultimate freedom, the liberation of his indomitable spirit from the oppression of mortal restrictions. I know he appreciates the presence of his West Point classmates and their families who helped organize this gathering, some of whom came from clear across the country to pay tribute; and especially the presence of so many of the noncommissioned officers whom he rightfully treasured as the "Get It Done" backbone of Special Forces; people such as Sergeant Dan Pitzer, who shared his POW suffering, and Sergeant Chu Chu Penn, who tried to put some of that backbone in those Special Forces 2nd Lieutenants (you at least succeeded with one of us, Sergeant Penn).

To the officials of our government who interrupted very important busy schedules to be here: Colonel Nick Rowe was one of the best damn soldiers and statesmen you ever had. Thank you, but please don't let this extremely powerful spirit for freedom go to waste. You have the power and the greatest organization in the world, the United States Government and the U.S. Army, to capitalize on it! I beg you to use this spirit of freedom as a tool, a club, even, to beat down the misguided will of oppressing guerillas such as those in the Philippines. Symbolize it to inspire the resolve in all men and women to not give up the fight for freedom whatever the risks. Institutionalize Nick Rowe's now finally free spirit!

The display of some of his POW belongings at the Camp McCall training facility for the SERE Course, a course Nick himself developed and instituted by taking advantage of his own painfully learned skills in Survival-Evasion-Resistance-Escape, is just one small step to harness the power of his spirit.

As I am sure you all know, on the 21st of April, in a land being oppressed by rising communist guerilla forces, Nick was removed from this mortal world the only way he could have been removed—in a paramilitary fire fight, an ambush by reportedly hooded guerillas. As he had written just the week before to a friend at Ft. Bragg, the home area of his true "OAO", his wife and partner, Susan, and the Special Forces organization to whom he had passionately dedicated his considerable professional efforts, Nick and Susan knew he was on a target list.

A lesser man, a man without Nick's faith in God, without his so obviously cherished ideals of Duty, Honor, Country; a man without his POW-tested resolve to not let the bastards of this mortal world hold you down, might have been more conservative, but he pushed on. Susan was there in the Philippines with him, and had just five months earlier given birth to their second son, Brian Whitford Rowe. Nevertheless, she risked the obvious guerilla surveillance and threat to keep their family together. Susan fully supported his ideals and strong belief that the continued pursuit of freedom was worth the risk of life.

Nick, of course, well knew the meaning of freedom, especially having lost it so completely for over five years, 62 physically and mentally tortured months as a Prisoner of War in South Vietnam's U-Minh Forest. He was mentally tortured not only by his capture, but also by his captors who showed him only that news from our great land about the lack of support from the vocal American minority. Just before his final successful escape, Nick was condemned to death when his cover story was betrayed by some misguided so-called Americans who helped provide his captors with information on his real military status. They found that he was not "just an engineer" who knew only of bridges and such but not of military operations, and they knew that they had no hope of breaking him.

As a tradition with us Texans, the Cavalry arrived in the form of gunships from the 1st Cavalry Division. Nick distinguished himself as the only officer to successfully escape a prison camp in Vietnam, a typical Rowe example of perseverance. He had tried three times before, but never gave up in spite of the costs. The description of his fourth and final attempt to gain freedom, in his book "Five Years To Freedom", was a real life thriller and tear-jerker that easily rivaled the best that Hollywood ever produced. You could literally feel him scrambling into that safe haven of a helicopter. He knew what freedom was worth! His values for family were equally eye wetting for this tough Ranger buddy when I again read at the end of his book, of his return to McAllen, Texas, in the company of classmates "D.K." Allen and Les Beavers, to his father and mother. Nick got his faith from a mother who only asked, upon his return, what took him so long. For those few of you who have not gotten the message directly from his fantastic book, I strongly recommend it to you. Susan also informed me that the book is being made into a play, the script partly done by Nick himself, but to be finished by director and playwright Charles Wallace, naming it "Faith To Freedom" in honor of not just our Vietnam Veterans, but as a "memorial to all men and women who have endured and sacrificed in the service to the United States as a Nation".

Nick had left for work that last day in the Philippines, where he was the Ground Forces Director of the Joint Military Advisory Group. Very happily and with his never failing sense of humor, he impishly awakened Susan by letting his oldest son Alex (Stephen Alexander Rowe) barge into the bedroom while he quipped that if he had to be awake, why shouldn't she? As he rode with his driver, Juaquin, he was probably thinking of the several speeches he was scheduled to present and an upcoming parachute jump, a thing he dearly loved with and without jump pay. Nick was one of the pioneers of "HALO" parachuting techniques, High Altitude Low Opening, another somewhat risky endeavor, but one that he felt should ultimately save lives. He might also have been thinking about some traveling that he and Susan would finally get to do just for fun. Suddenly, without warning, a barrage of bullets hit his car. One managed to get inside the car, killing him instantly and wounding his driver. I am sure he is still mad as hell that he couldn't fight back, but he will be even madder if WE don't.

In one sense, the assassin was merciful and in another very very foolish, but in no sense was he successful. Nick was definitely an old war-horse, old beyond his years, with more than his share of aches and pains, thanks to POW guards like those he named "Mafia" and "Porky". An attack of gallstones just before Brian was born and other such aftermaths of POW living were not exactly something to which one looked forward. The foolishness of the guerrillas' actions was a result of their misguided beliefs that Nick's mortal death would help their cause. American history, and Nick's exemplary life, should have told them it would only strengthen the resolve of the freedom loving people, especially the fortunate ones whose lives were touched by Nick personally, or by his books or by his many, many speeches on how faith can get you through literally anything. Nick has two other books in print: "The Judas Squad", a gripping fictional story about an armed takeover of a nuclear power plant, a story that too nearly could be true; and the "Washington Connec-

tion" which he co-authored with Robin Moore.

Nick Rowe is a true American champion of freedom and a hero. We don't need to read a long list of his medals. In the eyes of this friend, and as I trust, as acknowledged by the very presence of all of you here, you must share in this truth and the indomitable spirit that is and always will be Nick Rowe. You can read it in his written words, hear it and see it in both the many personal appearances and video tapes which he made on POW/MIA matters, or even in one of the civilian parts of his world, campaigning against child abuse.

Freedom and those who champion such a cause with such fervor, are to be cherished and celebrated, not mourned. Nick couldn't and wouldn't accept anything else. As much as I know they hurt from his physical loss, Susan, his boys, Deborah, his first born by a previous marriage, and her sister, Christina, Nick would want them and all of us to dry our eyes, stand up straight and not be afraid to be counted in continuing his and our quest for freedom.

Nick was not the first to die for freedom, nor, unfortunately, will he be the last. But he definitely was the best I ever knew and I am so thankful he touched my life and left so much of himself for us all.

Please let's all keep his freedom spirit burning brightly wherever it is needed.

". . . When Our Course On Earth Is Run, May It Be Said Well Done, Be Thou at Peace . . ." old friend.

CONGRESSIONAL SALUTE TO ALBERTA BYRD, WOMAN OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. FAUNTROY. Mr. Speaker, it is my distinct pleasure to pay tribute to Mrs. Alberta Byrd.

Mrs. Alberta Byrd of Washington, DC, has been elected Woman of the Year by L'Enfant Chapter of the American Business Women's Association [ABWA]. Alberta is the daughter of Mrs. Eula J. Wilson of Atlanta and the mother of Sterling Eugene of Washington, DC.

Annually, each ABWA chapter elects one of its members for this award. Selection is based on the member's achievements on her job, community activities, and her participation in the association to name a few.

Mrs. Byrd has been a member of ABWA since 1972 and has held numerous offices; president in 1979 and 1981, vice president, corresponding secretary, chapter adviser, charter president of Fort Washington Chapter, organized/chaired, community outreach program, and served as the chairperson of many committees.

In 1982, Alberta was the only minority woman running for a nationwide office for the association. She was one of five candidates for national vice president, District IV, for ABWA.

Mrs. Byrd is presently employed with the Army National Guard, Pentagon as a statistical analyst. Her outstanding work has received much recognition. She was chosen ARNG Female Model for Youth and received Minuteman and Meritorious Service Awards.

Not ony has Alberta been a dedicated worker on her job and with ABWA, she has found the time and energy to devote to other organizations. She has been chairman, Long-Term Care Community Advisory Board, D.C. Government Department of Human Resources; chairman, J.B. Johnson Nursing Center, Community Advisory Board; and member of the D.C. League of Women Voters, the National Guard of Negro Women, the Washington Design Center and the Gold Star Wives of America.

Alberta is eligible to compete for the 1989 Top Ten Business Women of ABWA. Announcement of the national awards recipient will be made at the ABWA's 1989 National Convention, November 1-5, in Nashville, TN.

The American Business Women's Association is an educational association dedicated to the professional, educational, cultural, and social advancement of business women. Currently, it has over 2,100 chapters and more than 115,000 members throughout the United States and Puerto Rico.

Mr. Speaker, Alberta Byrd is truly an extraordinary lady, and her talents and abilities are certified by the honors she has earned. I congratulate Mrs. Byrd, and wish her continued success and good fortune in all her future endeavors.

A TRIBUTE TO MR. DOUG YEARIAN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. POSHARD. Mr. Speaker, Benjamin Franklin once suggested making a turkey the national bird. As we know, the eagle finally won out, but the turkey is still a well recognized part of national traditions, and thousands of people test their skills each year hunting turkeys in the woods and lands of this country.

I would like to pay tribute to Mr. Doug Yearian of Waterloo, IL, who is well known for his skill and ability at turkey hunting.

Doug Yearian, his 14-year-old son Steve, and Doug's brother Dave, hunt turkeys each season in the Shawnee National Forest, which is in my congressional district. This is a sport they truly enjoy, and for those of us who love the outdoors and all Mother Nature has to offer, their ability is worth noting. Parents have taught their children about life, respecting nature, and responsibility while on hunting trips with each other. It is a family function that's enjoyed in rural areas across this country, and the Yearians are fine examples of those principles.

I would like to submit into the RECORD a recent copy of Illinois Game and Fish magazine, which further explains how Doug and his family are the most successful turkey hunters in Illinois.

It's a pleasure to represent Doug Yearian and other hunters like him in Congress.

A DYNAMIC DUO FOR ILLINOIS GOBBLERS

(By Kathy Etling)

In 1980, when Dave Yearian first tried his hand at hunting Illinois spring turkeys, he got a shock: It was easy! "I located a gobbler on the roost right away." Yearian reminisced. "Four hens were up there with him, but they never posed a problem. When the hens flew down they walked right past me and into a pasture. Moments later, the gobbler flew down to join them in the pasture. I sized up the situation and decided to sneak closer if I could.

"A creek cut between the pasture where the turkeys were and some nearby woods. So I crept over to the creek bed and set up there. Using my cedar box call, I gave two series of yelps. I couldn't believe it when the gobbler strutted over the hill and came right to me."

Dave's first gobbler weighed 18 pounds and had a 5-inch beard. "I'd heard how tough turkeys were to hunt." Dave said, "so I really wasn't prepared for getting one during my first season."

No matter how tough turkeys are, the Yearians' record speaks for itself. The two brothers do almost make it look easy. Since that first season in 1980, David, who lives in Belleville, has killed five birds and called in two more for his hunting wife, Mary. Doug of nearby Waterloo has taken six birds and helped his friend Clayton Greenley take several others.

The Yearians had always hunted, yet they weren't too sure turkey hunting was for them.

"I tried hunting turkeys once in 1970 or 1971," said Doug, "during the state's first or second season. But the whole time afield I only heard one turkey cluck, and that for only a short time."

Eventually, the Yearians had reason to think about turkey hunting again. Friends who hunted in neighboring Missouri were full of exciting spring gobbler tales, and with each story turkey hunting sounded more enticing. Finally, the brothers knew they had to try it again. And first time out, Dave connected.

Doug didn't get his chance at a bird until the following year. While lightning usually won't strike the same spot twice, it nearly did with both Dave's and Doug's first birds.

"I was standing in the very pasture where David had taken his first gobbler," Doug explained," watching Dave walk down a ridge and wondering to myself where he was going. What I didn't know was that since he was on higher ground he was able to hear gobblers that I couldn't. As I watched him I decided to climb an opposite ridge and when I did, I heard a bunch of turkeys gobbling. I set up at once, and called not one, but four birds in. I shot the first one, a jake."

The next year, 1983, was Dave's year again. He killed another jake, and then called in a 22-pound longbeard for his wife Mary. The big tom had a 10-inch beard, and it almost ruined a nearly perfect hunting marriage the next time Dave took Mary out. He called up nine birds and couldn't understand why she wouldn't shoot. "I'm waiting for a big one," she explained, quite reasonably. Dave, however, convinced her that she should shoot the first one she could. She did, the 13th bird that Dave called in during that particular year. Unfortunately for Mary, it was another jake.

What makes the Yearians so successful when hunting the wily spring gobbler and on public ground yet? Actually, the secret to their success may rest not only in their calling but also in their woodsmanship. While Dave and Doug use diaphragm calls—David gave up the box call after the first year—neither favors one brand over another. The most either would admit to was when Doug

indicated a preference for triple-reeded diaphragms.

And after eight years of intense practice on the diaphragm, Dave said he finally felt he was getting good at calling in the fall of 1988. The word "perfectionist" describes the two brothers quite well.

David and Doug both rely heavily on cutting, a technique favored by many of the turkey-hunting pros. Cutting—a series of loud, almost raucous tones similar to cackling—will not only lure in gobblers, but it's also responsible for dragging in many hens each year as well. And as the Yearians both know, when you call in a hen during the spring, there's a possibility of reeling in a gobbler at the same time.

"You might as well give up if you're trying to yelp and compete with the hens for the gobbler's attention," Doug said "But if you're cutting and a hen comes wandering over to be sociable, that's a different story.

"Last year I was hunting with Clayton and my 14-year-old son Steven. I did a little cutting and was astounded when a hen came right in . . . at a dead run. When she got within five feet of us she stopped. As we watched a gobbler followed, strutting to within about 50 yards of us. The hen stood there and looked, then putted an alarm and ran away as fast as she'd come. When the gobbler heard the alarm putt, he slicked himself down, stood there a minute, and then disappeared himself."

High on the Yearians' check list for a successful turkey season is knowing the area that they plan to hunt.

"Year after year, turkeys favor certain places," Dave explained. "If they roost in a spot one season, chances are they'll be back the next. And if you hunt one area long enough, soon you'll learn the birds' travel routes. You flat can't call a turkey anywhere he doesn't want to go."

In the same vein, the brothers say they've never been intimidated by tales of what turkeys won't do, either. "I've heard that you can't call them downhill," said Doug, "but I've done it."

"And even though I've never had reason to try to call them across creeks, I have called them across deep ravines and woven wire fences with no problem," added Dave.

The two hunters' techniques are quite a bit different. Dave admits that he calls less than Doug and not quite as loudly. Both brothers scout when they can before the season but neither relies very heavily on trying to locate roosted birds the night before they plan to go out.

"I still go out in the evening to listen," David explained. "But to a large degree I sort of gave up thinking I was actually going to call any bird in that I'd roosted the night before. For years I'd try, but then one of my friends asked me if I'd roosted. After thinking about it I had to admit that the answer was no. That doesn't keep me from enjoying it, though."

Both Yearians hunt turkeys in southern Illinois' Shawnee National Forest. And both are generous with their praise for the latest changes incorporated by the Illinois Department of Conservation lengthening and dividing the season, offering additional licenses, and decreasing the total number of hunters in the woods, at a given time.

Another thing that pleases the brothers is the handsome pins awarded to successful turkey hunters each spring. Both Dave and Doug proudly display the colorful pins, which herald turkey hunting success, on their caps. "It's sort of an extra incentive," said Dave.

"Turkey hunters in Illinois are getting better," he continued. "At first, it was mainly deer hunters that were going after the birds, and they hunted them a lot like they hunted deer. Now, more and more hunters know what they're supposed to do and how to do it. That, together with more licenses and a longer season, are the reasons the kill is up."

Both Dave and Doug also believe the kill would be even higher if the state's turkey hunters didn't give up so soon. "By 9 a.m. nearly everyone's out of the woods," stated Dave.

One of the negative aspects of turkey hunting involves hunters who don't call at all. "These are the guys who sneak in on you while you've got a bird working," Dave continued. "The ones who creep up and roost-shoot aggravate me, too.

"In 1987 I found a gobbler that was really hot right before dark," he explained. "Doug and Clayton had heard him gobbling in the very same spot at about 9 that morning and told me he was there. So I went back before light the next morning and he was still hot and already gobbling. I just knew it was only a matter of time before I called him in.

"The gobbler was in a tree that was growing on a finger ridge that jutted off of another, longer ridge. I set up on the main ridge and was biding my time when I was startled by the sound of a shot. Some other guy shot at the bird while it was still dark, missed, and then had the nerve to tell me all about it back at my truck while he said he didn't know I was there. He said that even though he'd parked his truck right behind me."

The brothers are adamant when they advise hunters not to over-call. "Once a gobbler responds to your call while he's still on the roost, quit calling," said Dave. "And don't call again until you're positive the bird's on the ground and interested in you."

"In my opinion," said Doug the toughest part of turkey hunting is knowing when to call and when not to call . . . knowing when they're fired up and when they're just mildly interested and what to do in each instance. But knowing where to set up to get you close enough for a shot runs a close second."

The Yearians feel that turkeys travel certain routes through any area all the time. If you set up near one, you'll bag a bird. But if, by chance, you set up out of range, often you won't be able to call a bird to you no matter what you do. Woodsmanship, or knowing what the birds will do before they do it, will make the difference in a case like this.

Both hunters would like to take a bird with a bow, but right now another interest has them firmly in its grip—the use of video cameras to document their hunting experiences and make the memories more vivid. Doug would also like to help his son Steven get his first bird, after almost succeeding last year.

Sometimes Illinois turkeys can be almost laughably easy, like Dave's first gobbler. But then, as most hunters will attest, the birds can quickly become maddening, even when hunters use the buddy system like Doug and Clayton often do. "A couple of years ago Clayton set up on one end of a ridge and I set up on the other," Doug related, shaking his head. "We set a couple of decoys out on a logging road that ran between us. And as it turned out, that was a mistake.

"First, I made three tree calls and waited," he continued. "The first gobbler came out of its tree, flew by above five feet from me and landed right in the middle of the decoys. Wouldn't you know? Neither of us was situated in such a way that we were able to shoot. Frustrated, we just waited. I made another tree call since I knew more birds were around us. Sure enough, five minutes later one flew in and landed right at my feet. I don't know who was more startled, me or the bird. He quickly realized the error of his ways and ran off . . . until my shot brought him down. But we still had to get Clayton a bird.

"When I shot, the bird that had been strutting behind Clayton in the decoys ran off. Then I looked up and saw yet another bird strutting down the road behind Clayton. Again, Clayton couldn't see this gobbler, either. Eventually this bird saw something he didn't like and walked away.

"I called again, and, believe it or not, the first turkey—the one that had been scared out of the decoys when I shot my bird—came back," Doug said. "But while Clayton could see this tom out of the corner of his eye he wasn't able to move on him. So while the turkeys were eager, all three eventually got away."

Fortunately for all. Doug helped get Clayton his bird the very next day. "We've found that the 'buddy system' is very effective for taking gobblers," Doug stated. "That's how we got Clayton's bird. The gobbler had been talking to us for nearly two hours, since early morning, but he wouldn't come in. Again, this gobbler was on a logging road, walking back and forth, back and forth, the way a gobbler will. We moved to different locations three different times but still the gobbler refused to budge a step closer.

"Finally, Clayton set up about 20 yards in front of me. It didn't take me long to realize that this wasn't going to work either. It called for drastic action. So I left Clayton there and began to steadily move away, cutting as I went. I had to get 150 yards away, calling all the time, before I lured that bird within shotgun range of Clayton."

Strategies like the buddy system help explain why the Yearians are two of Illinois' most successful turkey hunters. The state's turkeys may sometimes be tough, but these two brothers are tougher. By paying close attention to their surroundings and their quarry, and planning strategies that use this knowledge, Dave and Doug Yearian have been able to compile a turkey-hunting record that's truly remarkable.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL

RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 18, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up proposed legislation to provide for disaster relief assistance for crop losses due to adverse weather conditions of 1988 or 1989 and to consider other pending calendar business.
SR-332

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Joint Economic
To hold hearings to review the results of the Paris Economic Summit.
SD-562

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the implementation of the Defense Production Act of 1950 and competitiveness.
SD-538

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 946, to reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes.
SD-406

Judiciary
To hold hearings on the nomination of William Lucas, of Michigan, to be an Assistant Attorney General.
SD-226

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of William H. Taft, IV, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Shirley Temple Black, of California, to be Ambassador to the Czechoslovak Socialist Republic, Keith Laphan Brown, of Colorado, to be Ambassador to Denmark, Joseph Bernard Gildenhorn, of the District of Columbia, to be Ambassador to Switzerland, and Thomas Patrick Melady, of Connecticut, to be Ambassador to the Holy See.
SD-419

12:00 p.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for programs of the government of the District of Columbia.
H-301, Capitol

1:00 p.m.
Joint Economic
To hold hearings on the need for increased public investment in infrastructure.
SD-138

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the comparative assessment of the U.S. Space Program.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 866, to establish the Calument Copper Country National Historical Park in the State of Michigan, S. 931, to protect a segment of the Genesee River in New York, H.R. 419, to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri, and H.R. 1529, to provide for the establishment of the White Haven National Historic Site in the State of Missouri.
SD-366

2:30 p.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on H.J. Res. 280, to increase the statutory limit on the public debt.
SD-215

3:15 p.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on proposed legislation relating to Employee Stock Ownership Plans and retiree health, including S. 1303, S. 1171, and S. 812.
SD-215

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 685, "Employee Pension Protection Act", S. 543, "JTPA Youth Employment Amendments of 1989", S. 695, "Educational Excellence Act", S. 1291, "Library Services and Construction Act Amendments", to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, and pending nominations.
SD-430

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the scientific base for food inspection.
SR-332

Commerce, Science and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on the status of the *Exxon Valdez* oilspill cleanup.
SR-253

Joint Economic
To hold hearings on the mid-year economic outlook.
2318 Rayburn Building

10:00 a.m.
Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee.
To hold hearings to review the outcome of the Paris Economic Summit.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

1:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy, focusing on drugs in federally assisted housing.
SD-538

1:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 371, to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.
SD-366

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on tuna management.
SR-253

Finance
International Trade Subcommittee
To hold hearings on the U.S.-Japan Structural Impediments Initiative (SII).
SD-215

JULY 21

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of D. Allan Bromley, of Connecticut, to be Director of the Office of Science and Technology Policy.
SR-253

Energy and Natural Resources
To hold hearings on issues relating to the Prince William Sound oil spill.
SD-366

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on proposed oil spill legislation.
SD-406

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings on S. 1163, 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 Court of Appeals for individuals found in civil contempt in such case.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.
SD-430

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 24

9:30 a.m.
Special on Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

10:00 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 974, to designate certain lands in the State of Nevada as wilderness.
SD-366

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Energy and Natural Resources
To hold hearings on issues relating to the Gulf of Mexico oil spill.
SD-366

JULY 25

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1191, authorizing funds for fiscal years 1990, 1991, and 1992 for the Department of Commerce's Technology Administration, to speed the development and application of economically strategic technologies.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To resume joint hearings on proposals to improve the environmental quality of marine and coastal waters, including S. 587, S. 588, S. 1178, and S. 1179.
SD-406

2:00 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:30 p.m.
Environment and Public Works
To hold hearings on the nomination of Michael R. Deland, of Massachusetts, to be Chairman of the Council on Environmental Quality.
SD-406

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.
SR-253

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Energy and Natural Resources
Business meeting, to mark up S. 712, to provide for a referendum on the political status of Puerto Rico.
SD-366

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

1:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.
SR-253

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:30 p.m.
Energy and Natural Resources
To hold hearings on the formulation of a national energy plan and related policies which affect global climate change.
SD-366

JULY 27

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Energy and Natural Resources
Business meeting, to continue mark up of S. 712, to provide for a referendum on the political status of Puerto Rico.
SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

Select on Indian Affairs
To hold hearings on S. 143, to establish the Indian Development Finance Corporation, S. 1203, to encourage Indian economic development, and to hold oversight hearings on the implementation of the Indian Financing Act Amendments of 1988.
SR-485

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the funding of agricultural research programs.
SR-332

Judiciary
Business meeting, to consider pending calendar business.
SD-226

1:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 286, to establish the Petroglyph National Monument in the State of New Mexico, and S. 798, designating the Chaco Culture Archaeological Protection Sites.
SD-366

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

JULY 31

9:30 a.m.
Special on Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 1

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 1

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Special On Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 2

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 870, to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, and to recapture and recycle such substances.
SR-253

Governmental Affairs
To hold oversight hearings on certain programs of the Department of Energy.
SD-342

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 3

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

AUGUST 4

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

SEPTEMBER 14

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.
SD-342

CANCELLATIONS

JULY 18

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy.
SD-538

JULY 19

9:30 a.m.
Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.
SD-342

JULY 25

9:30 a.m.
Governmental Affairs
To hold hearings on provisions of S. 135, Hatch Act Reform Amendments of 1989.
SD-342

POSTPONEMENTS

JULY 18

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD366

11:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act.
SD-430

JULY 20

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.
SD-366

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 498, to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country.
SR-485