

HOUSE OF REPRESENTATIVES—Tuesday, July 18, 1989

The House met at 12 noon.

Dr. Roy L. Honeycutt, president, Southern Baptist Theological Seminary of Louisville, KY, offered the following prayer:

Eternal God, who created all persons in Your image recreate us today after Your purposes. Empower us to continue Your creative work You entrusted to our care. Make us instruments of Your freedom, justice, and peace which You desire for every individual.

Grant to these Representatives of Your people divine wisdom and perceptive vision. During an era of ambiguity may each Member discover certainty for convictions, forthrightness for actions, and integrity for responsibilities.

Bestow on this House the accomplishments for our collective good which each Member pursues and which we in the Nation need so urgently, give to each Representative this day wisdom in decisionmaking, courage in actions, and satisfaction with work well done.

Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceeding 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 Georgia [Mr. RAY] please come forward and lead the House in the Pledge of Allegiance?

Mr. RAY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1485. An act to direct sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize sale of certain other lands in Clark County, Nevada; to further the ability of the United States to recover for damages to certain marine and other resources of the National Park System; and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Park, WV;

S. 267. An act to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID;

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes; and

S. 830. An act to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission.

DR. ROY L. HONEYCUTT, TODAY'S GUEST CHAPLAIN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute.)

Mr. HUBBARD. Mr. Speaker, I am very pleased to introduce to my colleagues and others the gentleman who gave that inspiring prayer at the beginning of today's session.

Our guest chaplain today is Dr. Roy Honeycutt, president of the Southern Baptist Theological Seminary in Louisville, KY.

This year there are 3,200 students at the Louisville seminary, Southern Baptists' oldest seminary, founded in 1859.

Dr. Honeycutt and his attractive and talented wife June, who visit us here today, are both natives of Grenada, MS.

Dr. and Mrs. Honeycutt are both graduates of Mississippi College at Clinton, MS.

Dr. Honeycutt became president of Southern Baptist Theological Seminary in 1982. Prior to 1982, Dr. Honeycutt served as provost of the seminary, dean of the School of Theology, and professor of Old Testament.

Dr. Honeycutt's other service included 16 years at Midwestern Baptist Theological Seminary as dean and professor of Old Testament. Midwestern Seminary is at Kansas City, MO.

Western Kentuckians are proud that Dr. Honeycutt was pastor of First Baptist Church, Princeton, KY, from 1957 to 1959.

Among those many Kentucky friends who are proud that Dr. and Mrs. Honeycutt are our special guests

today is my mother, Mrs. Carroll Hubbard, Sr.

Welcome to Washington, Dr. and Mrs. Honeycutt.

THE PREAMBLE AND THE B-2

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it was just 2 years ago this month that we were in Philadelphia celebrating the Connecticut Compromise and the bicentennial of the Constitution, and, as we looked at the preamble of the Constitution, which goes as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

As we look at that preamble, Mr. Speaker, it is very important for us to recognize that providing for the common defense is among our top priorities.

Mr. Speaker, that is why I take the well, to extend congratulations to the wonderful people of Palmdale, CA, who just yesterday had a tremendous success. As we begin this week to address the problem of expanding the technology of our triad, I support and congratulate those who proceeded with the B-2, and I hope very much that this House will join in providing the President the support he needs.

RELEASE OF TRADE STATISTICS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, President Bush returns today from his trip to Europe with agreements to work with our allies and combat our common problems.

But when his plane hits the tarmac, the President will be brought down to Earth in more ways than one.

Greeting him will be news of another \$10.2 billion in trade deficits for the month of June.

This translates into the loss of another 250,000 good jobs for American workers, and signals a growing weakness in our economy.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In Europe, the President saw how our economic decline is eroding our ability to lead the Western alliance.

We are no longer able to finance global progress on issues ranging from Eastern Europe to Third World debt to the environment.

Mr. President: All is not "hunky dory" with the American economy.

The sooner you take seriously America's trade crisis, the sooner we will resume world leadership on behalf of democracy and economic freedom around the globe.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 1: THE HOUSE AGRICULTURE COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I want to bring to the attention of Congress and the American people the maze of congressional panels—as depicted in the exhibited illustration—that makes the war on drugs a disorganized and fragmented effort. It is a setup designed more for its public relations value than for an ability to get things done.

Today, beginning with the House Agriculture Committee, and two of its subcommittees, I intend to highlight the problem by naming the standing committees, one committee a day, that have legislative jurisdiction over drug-control policy and the Nation's drug czar.

The House Agriculture Committee has jurisdiction over the harvesting of marijuana or other drug-producing plants. The Subcommittee on Department Operations, Research and Foreign Agriculture has jurisdiction over assistance to farmers with eradication of marijuana on their land. The Subcommittee on Forests, Family Farms and Energy has jurisdiction over clandestine growth of drugs in forests, other than those created from the public domain.

I urge my colleagues to reduce this maze of over 80 committees, subcommittees and select committees, into one single oversight committee. The lines of command must be clearly drawn.

Let us remind ourselves that Congress created the job of drug czar to oversee and coordinate all aspects of the war against drugs. This job was created, in part, to make certain that all agencies in the executive branch are working together and to identify one person who is in charge.

But the drug czar can do no good as long as he must pass through a maze of congressional panels to arrive at a national strategy for fighting drugs. If the Congress is serious about fighting

the drug war, it will clear the way for the battle plans to be laid.

OPPOSE H.R. 1056—AN ANTI-DEFENSE BILL

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, this week, possibly as early as tomorrow, the Energy and Commerce Committee will bring the Eckart bill to the floor; H.R. 1056.

The bill is well intentioned and addresses environmental restoration problems on Federal facilities.

It goes too far, however, and lumps our Nation's defense force together with other Federal agencies, it disregards the last 4 years of progress made by DOD, and it strips away sovereign immunity. H.R. 1056 will allow States and designated regulatory agencies to levy fines of up to \$25,000 per day, or millions of dollars.

H.R. 1056 would not recognize the fact that Department of Defense environmental funds designated for clean-up of Defense environmental problems are for just that purpose—restoration and clean-up—but would soak up these badly needed funds to fatten up local and State treasuries through fines and penalties.

The real danger, however, is that the O&M [operations and maintenance] and the personnel accounts, which pay the civilian and military employees on 897 military bases, lose the protection which sovereign immunity now provides.

If Members in this body have the welfare of Federal civilian workers at heart, you should be aware that H.R. 1056 can, in its worst case, cause the furlough or layoff of thousands of civilian employees.

There are at least two colleague letters in the office of each Member which will detail specifically the concerns which many members of the House Armed Services Committee have, and we urge you to become familiar with it and to oppose H.R. 1056—which in my opinion is an anti-Defense bill.

□ 1210

CAN WE AFFORD NOT TO BUY THE STEALTH BOMBER?

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, over the past several weeks I have watched many of my colleagues ask the question, "Can we afford the Stealth bomber?" The real question, however, should be, "Can we afford not to buy the Stealth?"

Sure this weapon system is expensive. All landmark, state-of-the-art weapon systems are expensive. As a percentage of the Defense budget, though, it is actually less expensive than previous bombers—the B-1, the B-52, and the B-47. And its remarkable technical capabilities allow you to stretch those dollars even further. For example, the Air Force projects that the Libyan mission of 1986, which required 130 aircraft, could have been accomplished with three or four B-2's.

A final thought: The Stealth technology that makes the B-2 invisible to radar will be used in every military aircraft into the future. From the accounting standpoint, it is unfair to assess all the R&D costs to the Stealth bomber.

We simply cannot afford not to fund the B-2.

STOP THE SALE OF AMBASSADORSHIPS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the time has come to stop the sale of ambassadorships. For decades, under both Democratic and Republican administrations, we have suffered from the unfortunate practice of having palpably unqualified men and women appointed as U.S. Ambassadors to countries both small and large. This inexcusable practice has led to both the perception and the reality that ambassadorships are sold to the highest bidder.

The American people—and American foreign policy—deserve better.

Mr. Speaker, today I am introducing legislation that will limit the percentage of political appointees as Ambassador to 20 percent of the total. This will allow the President plenty of leeway to appoint qualified, noncareer individuals to the position of U.S. Ambassador, but it will also ensure that our foreign policy is executed by competent and experienced representatives of the President. The time has come to end the practice of selling ambassadorships.

ENVIRONMENT PLAYED CENTRAL ROLE IN PARIS SUMMIT

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, the President is on his way back from a whirlwind tour of Europe and a successful economic summit with the leaders of the industrialized nations.

But the news from Paris was not all economics or nuclear disarmament or Third World debt. For the first time in

the history of these summits, the environment played a central role in the discussions and in the final communique. The group of seven identified "the urgent need to safeguard the environment for future generations," and pledged their cooperation in solving the problems on an international level.

The leaders were specific to mention the devastating greenhouse effect, the problem with ozone and carbon dioxide and the serious threat of acid rain.

The Paris communique made strong and important statements. The leaders warned that "the depletion of the ozone layer is alarming and calls for prompt action" and they stressed that "preserving the tropical forests is an urgent need and must be reversed."

Mr. Speaker, these statements are important not for their factual assertions, but because they were made by the leaders of the Western nations, by the leaders who are essential to solving these problems.

The environment is truly an international issue that demands an international response. And I congratulate President Bush for making the environment a high priority and for leading the Western alliance in a serious effort to address environmental problems.

THE SUCCESS OF THE STEALTH BOMBER

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, yesterday the Stealth B-2 bomber made its first test flight successfully. This is America's technological know-how at work. This new system is as revolutionary to air warfare as the submarine was to naval warfare.

This Stealth bomber makes the Soviet's \$350 billion defensive radar system obsolete, and will also cause the Soviets to get more serious about arms talks and arms control negotiations.

The value of the Stealth bomber is far more than its cost. As a matter of fact, its projected cost is a lesser percentage of the total defense budget than was the B-52 and the B-1 bombers in their day.

This technology is America's ability to keep our country strong and free. The Stealth is a positive step forward for our national security.

BULGARIA IS ABUSING THE HUMAN RIGHTS OF ETHNIC TURKS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, over 100,000 ethnic Turks whose ancestors

have lived in Bulgaria for more than five centuries are now told they are not welcome. Ignoring previous commitments to international human rights agreements, the Bulgarian Government is forcibly expelling its 1.5 million ethnic Turks.

Tens of thousands of refugees, now in Turkey, tell of entire towns being cleared on short notice. In May, ethnic Turks in the city of Razgrad took to the streets in protest. Soon, troops opened fire, killing over 100.

Now two human rights activists who brought the story of the Razgrad massacre have also met with repression—one was imprisoned for 2 months while the other was expelled.

Mr. Speaker, I commend our colleagues, the gentleman from Maryland [Mr. HOYER] and the gentleman from New York [Mr. SOLARZ] for a resolution condemning the Bulgarian Government's flagrant disregard for human rights.

Mr. Speaker, we must condemn these despicable actions, monitor the situation closely and limit Bulgaria's access to Western markets until they stop their mindless persecution of ethnic Turks in their country.

THE HUMAN RIGHTS OF JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, three Israeli judges said that John Demjanjuk was actually Ivan the Terrible of the Treblinka death camp. Demjanjuk was sentenced to death. He is in jail in Israel pending appeal.

It appears that they may have the wrong man, but no one is listening. Recent evidence obtained by the Freedom of Information Act shows and suggests strongly that the Office of Special Investigation deliberately withheld key evidence that would have aided Demjanjuk, the auto worker from Cleveland, in his defense. The statement was one of Ignat Danil'chenko, who stated that John Demjanjuk was with him between March 1943 and April 1945 and not at Treblinka, and that is the time that Ivan the Terrible was DBA at Treblinka.

Something is very wrong here. For us to allow one's individual's rights to be discarded threatens ultimately the rights of all Americans.

OSI also has withheld the statement of a Mr. Suchomil, a Mr. Franz and a Mr. Glazier.

It is time for OSI to come clean. It is time for Attorney General Thornburgh to look into this matter.

If he is Ivan the Terrible, he should be put to death, but they may have the wrong man and Americans should not abrogate the rights of a citizen of

its own for so many years in such a manner.

□ 1220

INTRODUCTION OF FIRE PROTECTION LEGISLATION

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, in March I testified before the Government Operations Subcommittee on Employment and Housing regarding the fire and explosion that killed six firefighters in Kansas City, MO, last November.

I testified that Congress should enact legislation to require the formation of a Federal working group to coordinate emergency response information. I have introduced H.R. 2813 to implement this proposal, and the Government Operations Committee report on the Kansas City tragedy recommends this concept.

My legislation calls for the U.S. Fire Administration to convene a working group of DOT, EPA, OSHA, and BATF officials to review information provided to emergency personnel concerning chemicals and chemical compounds, and to determine how they interact and how they should be treated in an emergency. This review will ensure that information provided to firefighters is clear, concise, and up-to-date.

Mr. Speaker, this fire protection measure is needed to prevent future firefighter tragedies involving hazardous and explosive materials. I urge my colleagues to cosponsor H.R. 2813.

HUD NEEDS CAREFUL SCRUTINY

(Mr. BENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNAN. Mr. Speaker, the scandal in the Department of Housing and Urban Development could mean between \$1 and \$2 billion has been wasted on outright greed, influence peddling, and fraud.

While our Nation is in the midst of a severe housing crisis and some housing programs have seen funding reduced by 90 percent, we are witnessing a shameful abuse of public funds and the public trust. Former Reagan administration officials have testified that cronyism and lucrative consulting fees were two driving forces in making housing decisions. My constituents in Maine, who are experiencing firsthand the problems of maintaining an adequate supply of affordable housing, are outraged over these scandalous disclosures. We must remain firm in seeing that those citizens most dependent on housing assistance will not

be punished as this scandal is uncovered. We must aggressively pursue the wrongdoers. I am pleased to see that being done by the outstanding leadership of Chairman TOM LANTOS through his recent hearings on this scandal.

This Congress should commit itself to revamping the affected housing programs to remove the well-heeled consultants from the decisionmaking process and begin awarding housing funding to those most in need of our help. I urge my colleagues to join me in assuring that the Department of Housing gets the necessary scrutiny to prevent past corruption-as-usual practices. Let us help those who need homes and not the well-heeled.

UNITED STATES-CANADA AGRICULTURAL TRADE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, Ohio is No. 3 in total export trade in the world next only to California and Texas, and we do not even have a coastline.

I rise today to bring attention to the agricultural trade deficit, to my colleagues, a severe shortcoming caused by this year's free-trade agreement, the problem of Canadian Government subsidies and how they adversely affect America's agricultural farmers.

The United States-Canada Free-Trade Agreement is a giant step forward in its attempts to open free trade, and I am all for it. Its failure to address Canadian Government subsidies is severely affecting certain markets throughout the United States under this agreement, especially agriculture.

Ohio is a largely agricultural region which deals heavily with Canada. In fact, Ohio as a whole, has the greatest balance of trade with Canada of any State in the Union.

Prior to the free-trade agreement, U.S. agricultural exporters enjoyed the opportunity to offset Government subsidies with tariffs or other formal tariff barriers. With the free-trade agreement's gradual elimination, however, United States exporters are left defenseless against informal, nontariff barriers imposed by the Canadian Government. That is a major concern of my district and of the State of Ohio.

Specifically, Ohio hog exporters, especially in my district, are being hurt by Canadian Government subsidization of its own pork producers. I am sure that this problem is not specific to Ohio. This situation is often overlooked in free-trade-agreement literature that should be brought to the full attention of my colleagues here in the House.

TRIBUTE TO JOHN N. DEMPSEY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today I rise to pay tribute to John N. Dempsey, Governor of the State of Connecticut from 1961 to 1971. Governor Dempsey's time as Governor was very special and fortuitous for the State of Connecticut. John Dempsey was a man of great sensitivity and compassion. As a result the retarded, the handicapped, the truly needy felt they had a special friend at the State capitol. The Governor translated this concern into action and as a result Connecticut gained a national reputation in care for the retarded, for those with special needs. John Dempsey understood State government and made it work. He acted always with dignity but understood the power of humor. He was the consummate politician who did his work as a statesman.

Governor Dempsey was a wonderfully proud man. He was so very proud of his wife Mary and his four children. Father Edward, John, Kevin, and Margaret. He was proud of his hometown of Putnam which he served as mayor for six terms. He was proud of his service in the legislature, as Lieutenant Governor. But he was most proud of America. Having been born in Ireland, he came to this wonderful country as a boy, and was chosen to be the Governor of one of its original colonies. He was the personification of our great democratic system.

Connecticut is going to miss John N. Dempsey.

ADVICE TO THE ADMINISTRATION ON TRADE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the first grade card for the Bush administration in the area of international trade has come in, and the news is not good. It is a flunk.

Today the Commerce Department announced that the U.S. trade deficit for the month of May widened dramatically, the biggest gap in 5 months.

Foreign goods flowing onto our shores rose sharply to a level of over \$10 billion more. This represents a 24-percent increase from the month before.

At this rate our annual deficit will again ring in at over \$100 million. This will mean more hollowing out of American manufacturing as well as agriculture as we see our markets eaten up by more imports.

My own guess is this has happened because our trade competitors in the rest of the world view the new administration as weak. The administration's

timid use of the new trade law passed by Congress, especially its hands-off attitude on the super 301 provisions, gives strong evidence that America is viewed as a patsy worldwide.

The really bad news is that U.S. exports also dropped overall, and imports rose sharply in every category. My advice to the Bush administration is to flex the real muscle Congress has given in the new trade law to fight for American companies, our workers' jobs, and our future.

PERMISSION FOR SUBCOMMITTEE ON SPACE SCIENCE AND APPLICATIONS OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. NELSON of Florida. Mr. Speaker, I ask unanimous consent that the Subcommittee on Space Science and Applications of the Committee on Science, Space, and Technology be permitted to sit during the 5-minute rule today.

THE SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE "VALDEZ" DISASTER CONTINUES

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, almost 4 months ago Americans watched with horror as one company's negligence caused the Nation's worst oilspill. More than 10 million gallons of crude poured from the hull of the *Exxon Valdez*, and Exxon did little to stop it or clean it up.

Last week, as the *Valdez* limped toward scheduled repairs in San Diego, it left a calling card behind: An 18-mile-long oil slick outside the entrance to the harbor. This second slick raises serious doubts about Exxon's commitment to environmental protection.

What will it take before Exxon ensures that our waters are not polluted any further?

I have introduced a bill to provide the oil industry with one more incentive to be careful of the environment: H.R. 2060 would deny a tax deduction for the costs of removal, cleanup, and payment of damages resulting from oil spills in American waters. The bill does not target any specific company. Rather, it attempts to encourage greater care on the part of all those responsible for transporting oil.

The *Valdez* is being towed in slow, backward circles while everyone decides what to do with it. I hope we can move more decisively in the right direction.

TRADE DEFICIT ON THE RISE

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. DORGAN of North Dakota. Mr. Speaker, the news again this morning on the trade deficit is not good. The trade deficit is on the rise.

There are several causes for that, but one of the causes, in my judgment, is a bankrupt trade policy throughout the 1980's. We have said, in effect, that we open our arms to all foreign goods, and we allow foreign markets to close their markets to American producers. It does not make sense to me.

□ 1230

In some major American ports there are four ships coming in with foreign goods for every ship going out with American exports, and it is not going to get better, it is going to get worse until we have some leadership.

President Bush says, for example, "I want the FSX deal with Japan." That is going to increase the trade deficit. That says to Japan we want to help provide more jobs in Japan and fewer jobs in America by helping the Japanese build a fighter in Japan with American technology instead of requiring the Japanese to buy fighter planes from America, which they ought to do.

Mr. President, it is time for some leadership. It is not old fashioned, it seems to me, to stand up for this country, to stand up for its producers and the interests of its wage earners, and it is not old fashioned for us to insist on the golden rule of trade and insist on not only free trade but fair trade.

Mr. President, America needs your help. Now is the time for a little leadership. Now finally is the time for a trade policy that makes sense for us, for America, for America's future, and for America's economy.

NO COMPENSATION FOR FAMILIES OF IRANIANS SHOT DOWN BY THE "VINCENNES"

(Mr. APPLGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLGATE. Mr. and Mrs. U.S. Taxpayer, the Government is at it again. The State Department wants to give \$30 million of your hard earned tax bucks to the passengers and crew of the Iranian airliner that was shot down by the U.S. *Vincennes*, and 250 of these were Iranians.

I do not want to sound cold and callous, but when has Iran shown any compassion, any remorse, or offered any compensation for the 240 marines they ordered killed in Beirut? Or what about the 100 or so Americans that they have held captive for so many years and months depriving them of life, liberty, and the pursuit of happiness? I want to hear from Iran first.

Yes, I feel that they should compensate the families from India, from Pakistan, Yugoslavia, Italy, and the United Arab Emirates, but not one nickel to Iran until we hear from them, until they show some kind of remorse.

Just ask the families of those 240 marines.

EXPLORING SPACE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, 20 years ago three Americans began mankind's most extraordinary journey. In a few days our country, indeed all the world will celebrate that special time, and new calls will be made from all around this globe for us to renew the conquest of space.

I take the well today to remind my colleagues that a year ago this House, without the spotlights of an anniversary, without a time to celebrate, we seized that initiative. In the authorization bill for NASA we called upon the administration to establish a commission to meet with all nations of the world who are interested in renewing this conquest by the next logical step of sending men and women to Mars, only sadly the establishment of that commission and of those goals was vetoed by the last administration.

Today, Mr. Speaker, I will renew that call again in the Science, Space, and Technology Committee by offering a revised version of this amendment to establish this commission once again. I ask my colleagues to join with me. Let us make the race tomorrow not a quest for whose flag arrives first, but how much we can learn; not what propaganda will be gained, but how much knowledge can be shared, that each nation's efforts complement each other's, and that we begin the planning now.

Join in this effort, not in a celebration only, but in a long-term commitment to take the next great step in space.

NO MORE BLANK CHECKS TO THE MUJAHIDIN

(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, we need to reassess our blank check policy toward the Mujahidin. The continuous blood feuds between the Afghan rebels could have catastrophic consequences for United States policy in the region and the end of the Afghan war.

As many as 30 Mujahidin military leaders, including several senior field commanders, were brutally killed by

rival factions, probably with U.S. arms. The questions we should ask are: Are we providing arms to the Mujahidin so that they can kill themselves to decide who is top dog, or to continue their worthy struggle against a Soviet-backed Kabul regime? Will the continuing rivalry among the Mujahidin erase all of the advances that they have made?

Mr. Speaker, no more blank checks for the Mujahidin until they stop killing each other.

U.S. ALTERNATIVE FUELS COUNCIL MEMO NO. 71889: INTERNATIONAL COMMITMENT TO PROTECTION OF THE GLOBAL ENVIRONMENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I rise today to commend the President and the leaders of the major industrial nations for making the protection of the global environment a top priority at the Paris summit. I am encouraged by their call for decisive action in cleaning up our air and water, for in the past cleaning up the air and the water has been an afterthought at these meetings. This demonstrates a new dimension of commitment which will lead to results.

One of those problems of cleaning up the environment is carbon monoxide caused by gasoline engine emissions. A commitment to cleaning up our air will lead to the use of ethanol, methanol, and compressed natural gas. Cleaner burning fuels will lead to cleaner air.

PUTTING THE B-2 COST IN PERSPECTIVE

(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, now the B-2 critics are saying, well maybe it can fly, but it still costs too much.

In a time of budget constraints cost has to be a legitimate concern. But in the proper context the cost of B-2 is not unreasonable. Overall B-2 procurement represents a smaller percentage of a no-growth defense budget over its funding period, 1.3 percent, than did the B-1 or the B-52 over comparable periods. Nor is the peak funding period unprecedented. It is virtually identical in inflation adjusted dollars to the peak period of the B-1. In fact, the B-1 had a single peak year more than \$1 billion higher than the B-2 in constant dollars.

It is also important to recognize that the research and development program has applications for all future

fixed wing combat aircraft, as well as for cruise missiles and other conventional weapons. It is no more appropriate to assign these costs to a single platform than it would be to assign our entire antisubmarine warfare research effort to the SSN-21.

Finally, when we look at alternatives to maintain the manned penetrating bomber force they are not cheaper, they are more expensive, and less capable. The same number of B-1's, and required tankers, would cost \$44 billion, \$1 billion more than the cost to complete the B-2 program. A more comparable capability of 185 B-1's would cost \$60 billion. And neither would be able to penetrate Soviet air defenses in the next century.

So when you look at the facts the B-2 is an expensive program, but given what it contributes to deterrence it is affordable. The real question is can we afford not to go forward with the B-2.

ECONOMIC SUMMIT NEWS NOT GOOD FOR U.S. TRADE

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, the President left Europe and he wants us to believe the news is good, but the facts betray the good news coming out of the rosy scenario economic summit. That is that exports are down and imports are up.

Yes, it is a double whammy with the announcement today that our trade deficit is growing, and growing largely at the expense of American jobs.

Yes, America is No. 1. The numbers are \$111.1 billion in trade deficit this year. And at a time we are saying pious things with our European allies, this last month's statistics show that, yes, once again our European colleagues are dumping their goods and costing us jobs here in the United States.

□ 1240

With a widening trade deficit, with Japan still the No. 1 leader in the trade deficit with the United States, we have to ask this simple question: President Bush, what did you bring home besides more foreign goods?

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill H.R. 2883, which will be considered today, and that I be permitted to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2883) making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Nebraska [Mrs. SMITH] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1242

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. 2883, with Mr. LEATH of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentlewoman from Nebraska [Mrs. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the bill, H.R. 2883, making appropriations for rural development, agriculture and related agencies for fiscal year 1990, the third bill for fiscal year 1990 to be before the House.

In actions to date by the various subcommittees, our committee has restored funds for: Economic Development Administration, Appalachian Regional Commission, community services block grant, rural development loans and grants, education programs, Federal aid for highways, sewage treatment grants, energy research and development, conservation programs, disaster assistance, small business assistance, public housing programs, and mass transit grants.

These programs are essential to the strength of our Nation and have an impact in all parts of our country.

And yet at the same time, we have held the total amount within the 302(b) allocations and, below the President's total recommendations.

As you know, I serve on the Defense Subcommittee, that for Energy and Water—public works—Health and Human Services, Interior, Transportation, and the rest. I am serving my 11th year as chairman of the Appropriations Committee.

Our committee has held the line. Since 1945, we have kept the total of appropriations bills \$187 billion below the total requested by the Presidents and more than \$16 billion below President Reagan's request.

In the pending bill, we again hold the line. It is within the limits of all the restrictions on our committee, which is usual. We do have financial problems, law enforcement problems, and major drug problems which threaten the Nation itself.

In other bills, we have addressed these problems.

CHANGE IN POLICY NEEDED

Mr. Chairman, agriculture, our largest employer at home, our biggest market for industry and labor, our biggest dollar earner in world trade, has been permitted to go down the drain during the last decade. Thousands of farmers have gone bankrupt and hundreds have committed suicide. Seventy million acres of land lie idle through foreclosure or government programs to reduce production. Foreclosed land is often bought by insurance companies and foreign buyers. Villages and rural cities are drying up, unless they have local military or foreign aid spending which is increased each year. The effect on the Nation is disastrous.

SOUND FARM PROGRAM

For 48 years, farm prices were maintained to offset costs and our surplus sold in world trade at competitive prices.

Instead of using CCC to buy our surplus products and sell it in world trade competitively, the Department has paid \$2.4 billion in bonuses to exporters—a cost which is charged to the farmer. CCC, instead of buying and selling as Congress intended, is used for many other purposes and the cost is also charged to the farmer.

Instead of using section 32—30 percent of customs receipts—as intended to support the price with special attention to perishable commodities and to promote exports, they divide it among consumer programs.

Instead of the farmer receiving a fair price from the buyer, as he did for 48 years, he must look to a check from the U.S. Treasury. To help meet his expenses he must look to a synthetic crop insurance, where more than half the amount goes to the insurance com-

panies and the remainder is used in an effort to keep the farmer in business while his price supports are less than cost and further reductions are called for by the Secretary.

Under the Targeted Export Assistance Program American industry has drawn \$500 million to promote their products abroad. This, too, is charged to the farmer.

The Congress increases the minimum wage and the only dispute is whether it is to be \$4.25 or \$4.55, about 30 cents difference. The effect is to increase farm costs for machinery, chemicals, and all the rest. At the same time the Federal Government then asks Congress to reduce what goes to the farmer to offset this.

Remember, 84 percent of the land area of our country is rural, including cities of 50,000 and less, and is largely ignored by present government plans.

After 8 years of current policy, what is the result—

The national debt of \$932 billion in 1981 has tripled to over \$2.8 trillion.

Our trade deficit has gone from \$19.3 billion in 1980 to \$170 billion in the red in 1987 and \$119.8 billion in the red in 1988.

For the first time since 1914, the United States is a debtor nation, the largest debt any nation ever had throughout history.

INCREASED BANK FAILURES

Since 1981 some 811 banks and 586 savings and loan associations have gone bankrupt, many of them in rural areas. I will provide a table for the RECORD from the Federal Deposit Insurance Corporation which show the number of failures each year:

| Year | Banks | Savings and loans |
|-------|-------|-------------------|
| 1982 | 42 | 73 |
| 1983 | 48 | 52 |
| 1984 | 79 | 27 |
| 1985 | 120 | 68 |
| 1986 | 138 | 78 |
| 1987 | 184 | 73 |
| 1988 | 200 | 215 |
| Total | 811 | 586 |

In addition, the Farm Credit System—the largest banking system in the country—has been on the verge of bankruptcy and has had to be bailed out by the Congress, pulling down the economy of much of the Nation.

FAIR PRICE TO FARMER—LITTLE COST TO CONSUMER

Increasing the price the farmer receives would have only a small impact on prices. A 60-cent loaf of bread contains only 5 cents worth of wheat. A \$16. cotton shirt has 43 cents worth of cotton, and a pound of candy that costs \$3.89 contains only 11 cents worth of sugar. That jar of peanut butter that costs \$1.79 contains 46 cents worth of peanuts. If we were to increase the price received by the farmer by 10 percent, it would only

add a penny or two to the cost of these items, but a 10-percent increase would allow many of our farmers to break even and stay in business.

We should return to a program of using CCC and section 32 to enable the farmer to get his income from the user of his product rather than from a check from the Treasury.

The new Secretary is a capable person, well trained in every aspect—as a farmer, as a student, as a successful stock broker—and the best informed person in the world on what other countries do to protect their agriculture, which we formerly did and could do now if we would turn to the law which worked so well.

FOREIGN TRADE

Mr. Chairman, we must realize that the normal definition of trade is “an exchange of property.”

Since many countries will not accept our products in exchange for what we buy from them, what we have done since 1981 is exchange our notes, or promises to pay, for property.

The results of this—

Our debt has tripled, \$932 billion in 1981, \$2.8 trillion now.

Our trade deficit has skyrocketed.

We are now the largest debtor nation in the history of the world.

Over 300,000 farmers lost their farms, hundreds committed suicide.

70 million acres of land lie idle to help foreign producers.

We have sold many billion of dollars worth of our assets, including real estate, to get our dollars back from overseas in order to operate.

It cannot continue without endangering our financial system itself.

FUNDS TO DEVELOP A PLAN

We have provided \$500,000 for compiling the laws and practices used by our foreign competitors to compete against us. This information should be on a country-by-country and commodity-by-commodity basis.

We have also provided \$500,000 for the new Secretary to develop a plan for returning to the use of these laws which have been suspended.

This information should help the new Secretary to return to the farm program which worked so well for 48 years, and to avoid the erroneous policies of the past decade—policies which have wrecked a terrible toll on the American farmer and the American economy.

NEW DIRECTION FOR THE FUTURE

We learned sometime ago that we cannot run the world and the last 8 years have proven we cannot finance it either. Now, we turn to the rest of the world to finance us.

To restore our finances we have to produce and sell. Present policies are to cut production. Producing and selling is essential if we are to reduce our debt.

PROBLEMS FACING AMERICAN AGRICULTURE

One of American agriculture's most serious problems is competing with marketing mechanisms in other countries where the Government is in partnership with its exporting companies and export traders.

Under the American Constitution, U.S. farmers cannot use such arrangements to enable them to compete overseas. To compensate for this, the Commodity Credit Corporation was setup to buy and sell farm commodities and to export them on a competitive basis.

SECTION 32 FUNDS

Section 32 of the Agricultural Adjustment Act was established to support farm prices, to offset higher American farm production costs, to aid in exporting U.S. farm products competitively, and to stabilize market conditions. Of the estimated \$4.9 billion to be available in 1990, it is proposed, as authorized by law, to transfer approximately \$62 million to the Department of Commerce to promote fishery production, and to transfer slightly over \$4 billion to the Food and Nutrition Service for Child Nutrition Programs. Of the balance, about \$350 million is proposed for commodity purchases, \$4.3 million is proposed for commodity purchase services, and \$8 million is proposed for marketing agreements and orders. Many people charge this full cost against the farmer, although he is not the primary beneficiary.

Unfortunately, during the last decade the Secretary of Agriculture has refused to use either of these laws to help American agriculture.

EXPORT ENHANCEMENT PROGRAM

Finally, after the export debacle of the past 8 years, the Department of Agriculture has created the Export Enhancement Program under which \$2.4 billion has been paid to exporters, although charged to the American farmer. Four of the largest exporters got over half of this money, as follows: Cargill Inc., \$465 million; Continental Grain Co., \$442 million; Louis Dreyfus Corp., \$320 million; Artfer Inc., \$140 million. A total of 76 exporters received funds under this program.

TARGETED EXPORT ASSISTANCE PROGRAM

The Department has paid U.S. corporations \$420 million in the past 3 years to promote their products overseas. In fiscal year 1989, \$200 million will be paid out under this Targeted Export Assistance Program. Here again, the American farm economy has been charged by the public with the cost of this program. The 10 largest recipients in 1989 will include: U.S. Meat Export Federation, \$17 million; Cotton Council International, \$15 million; Almond [EIP], \$11.8 million; American Soybean Association, \$11.450 million; Citrus [EIP], \$11.2 million; California Raisin Advisory Board, \$10.7 million; National Forest

Products Association, \$8.150 million; USA Poultry and Egg Export Council, \$8 million; National Peanut Council, \$7.4 million; California Walnut Commission, \$7.3 million. In all, 47 organizations will receive funds under this program this year.

INCREASE IN PRODUCTION COSTS

This year, the farmer's production costs are being raised by an increase in minimum wages and increases in fuel, chemicals, seed and other items the farmer requires to produce and market his crop. At the same time, target prices are reducing what the farmer receives to cover his costs of staying on the farm.

SEVERE FINANCIAL CRISIS FACING NATION

Mr. Chairman, the Nation's economy is facing one of the most severe financial crisis in its history. This is due in part to the failure of the Department of Agriculture in recent years to use the farm programs which served the country so well for nearly five decades. Such programs enabled the farmer to secure his income from the consumer of his products, rather than having to depend on Government checks to stay in business. It is also due in large measure to the Department's failure to sell U.S. farm commodities in world markets at competitive prices. The loss of many of America's traditional overseas markets has been costly to all segments of the American economy.

The results of such erroneous policies are evident when the following are considered.

STAGGERING FEDERAL DEBT

The national debt of \$932 billion in 1981 has tripled to over \$2.8 trillion today. It is now larger than the debt of any nation in history. This has happened despite the fact that the Congress has held the total of appropriations bills during this period \$16.1 billion below the President's budget requests.

Not only has there been a large increase in the Federal budget since 1980, there also has been a significant shift in its primary program areas. Between 1980 and 1990 the major increases have been military spending, 126.1 percent; interest on Federal debt, 224.0 percent; and payments to individuals—Social Security, Medicare, Medicaid, and so forth—103.4 percent.

At the same time, all other areas of Federal spending—essentially discretionary domestic programs—have been decreased by 10.0 percent. A further cut of nearly \$12 billion is proposed for such domestic spending for fiscal year 1990 despite the large decrease in past years.

LARGE TRADE DEFICIT

In May 1986 the Nation had a farm trade deficit of \$348 million, the first such deficit this century. In 1987 the total U.S. balance of trade was \$170 billion in the red. It was \$119.8 billion in the red in 1988, compared with a

deficit of \$19.3 billion in 1980. It was some \$9 billion in the red for the month of May 1989, a rate of over \$100 billion per annum.

For the first time since 1914, the U.S. has become a debtor nation. For the last 8 years, in addition to reduced exports, foreign goods have been let into this country almost without limit. The authority of the President to limit, tax, or stop such imports, upon findings of the Federal Trade Commission that they are damaging U.S. businesses, has not been used to stem the flow. The Nation's steel, auto, textile, and shoe industries, to name a few, have been decimated by foreign imports. In addition, American agriculture has been severely damaged by the failure of the Department of Agriculture to use the authority of the Commodity Credit Corporation and section 32 of the Agricultural Adjustment Act to offer American farm products in world markets at competitive prices.

INCREASED BORROWING NECESSARY

In view of the tremendous public debt and the increased trade deficit, the Nation is having to borrow ever large amounts of money from foreign countries each year to continue to function. Interest on that debt in fiscal year 1989 totals \$165.7 billion—a sizable portion of the total Federal budget. For fiscal year 1990 it is estimated at \$170.1 billion, about 15 percent of the total budget. This comes off the top of the Nation's economy and much of it goes overseas. It thereby reduces funds to meet urgent domestic needs such as repairing roads, bridges, harbors, and maintenance of schools and other essential facilities which have been allowed to deteriorate dangerously in the past 8 years due to administration opposition to essential public works.

AMERICA FOR SALE

Foreign interests are buying up this country at an alarming rate. The Japanese already own most of the major buildings in Los Angeles, Honolulu, and many other major cities. The Washington Post of March 13, 1988, carried a front-page article, entitled "America for Sale," which included the following:

During the past five years nearly \$800 billion in foreign capital washed across the United States buying up companies, banks, luxury hotels, retail chains, building new factories, establishing bank accounts, and financing a major portion of the national debt. This has helped turn the U.S. from the world's largest creditor to the world's largest debtor.

HARD TIMES ON THE FARM

Agriculture, the Nation's largest industry and largest dollar earner in world trade is also in serious financial trouble. This is due in large measure to the failure of the past administration—as noted earlier—to continue to use the farm programs of previous years which enabled the farmer to re-

cover his costs of production, plus a small profit, from the user of his product rather than from the Federal Treasury. It is also the result of the failure of the Secretary of Agriculture to use the Commodity Credit Corporation and section 32 funds to move U.S. farm products in world markets at competitive prices, and the failure of the President to curtail, tax, or stop excessive imports, when found harmful to American farmers and other industries. It is difficult for U.S. industry to compete with countries which pay about as much for a week's labor as is paid for a day's work in this country.

The policies of the past 8 years have wrecked the economy of rural America. Last year, the President proposed "a rural development initiative" which would have funded rural development programs at a lower level than Congress provided the year before. President Bush's 1990 budget continues this "initiative" but at a lower level than provided by Congress last year.

AGRICULTURAL EXPORTS DOWN

U.S. agricultural exports declined from \$43.8 billion per annum in 1981 to a low of \$26.2 billion in 1986, with a partial increase to \$35.3 billion in 1988. International corporations have been paid \$2.4 billion in incentives during the past 3 years alone to move U.S. farm commodities abroad. This cost has been charged against farm programs, although the farmers have received none of these funds to help them meet their production expenses.

Through the years the farmer has been discriminated against by his Government. During World War II the Government asked him to plant fence-to-fence to help with the war effort. When the war was over the Government gave \$20 billion to industry to help it adjust back to more normal conditions, but it did nothing to help the farmer make his necessary adjustments.

As noted earlier, the failure of American agriculture to remain competitive in world markets, the use of embargoes to enforce international relations, and the curtailing of U.S. production have been costly to the agricultural economy. For example, under the PIK [Payment-in-Kind] Program in 1983, which cost this country over \$12 billion, domestic production was cut by 11 percent, U.S. exports were cut by 11 percent, while overseas competitors increased their production and exports by an equivalent amount.

FARMERS GOING BROKE

According to information from the Congressional Research Service, more than 300,000 farmers have been forced off their farms since 1981. Moving to town has added to the problems of the cities which are already heavily burdened with serious social problems.

In Oklahoma, alone, such figures show that over 100 farmers have committed suicide in less than 2 years and in Iowa, about 47 farmers have killed themselves each year. The figures are similar for other farm States according to that source.

LAND OUT OF PRODUCTION

An estimated 70 million acres of good farmland have been taken out of production and lie idle either through foreclosures or through Government efforts to reduce production and thereby increase prices. Idle acres are costly to the national economy in lost production. Furthermore, they tend to deteriorate unless properly taken care of—an expensive undertaking.

As land was foreclosed or taken over, and the farmers were forced off their farms, the Farmers Home Administration would not permit the farms to be resold to the owner or his relatives. Thousands of farms were sold that had been in the same family for generations. Instead, the land was sold to insurance companies and large corporate farmers who got first pick at the best land.

COST OF FARM PROGRAMS

Prior to 1981, the total cost of the farm program over its 48-year history was \$72.5 billion. In the past 8 years alone, it has cost \$125 billion—nearly double.

Since 1981, when Federal crop insurance was handled by Government agents, to the present program, where 85 percent of policies are sold through private companies, administrative and operating costs to the Government have gone up by 260 percent although insured acreage has increased only 9 percent. In the Department's rush to turn the program over to private business, apparently no thought was given to the added cost to the Government. In 1981 the Federal Crop Insurance Corporation had a surplus of \$55 million. Since that date the Corporation has lost \$2.5 billion.

When Congress passed legislation in 1977 to provide farmers some debt relief, the Department ignored it. When Congress passed legislation requiring such relief, the Department delayed implementing the law for 1 year and then required the farmer to complete all the paperwork in 45 days.

ONLY FARMERS FORCED TO REPAY

Further, the Farmers Home Administration adopted a policy of requiring the farm borrower to show that he could pay off the new loan, plus all past due loans, in a single crop year. Farmers are the only class of borrowers who are required to live with such stringent rules. Not even foreign borrowers from the United States are treated so harshly.

HOW TO LOSE YOUR FARM

Mr. Chairman, the sad plight of many American farmers these days is very aptly described by a recent book

entitled "How To Lose Your Farm in Ten Easy Lessons and Cope With It" by Robert Hitt Neill and James R. Baugh.

This book deals realistically with the difficulties faced by thousands of farmers as they went from the prosperity of the 1970's to the bankruptcy and ruin of the 1980's. A few excerpts from the book, together with other comments, are included below to illustrate some of the errors in our farm policies—errors which this committee has been concerned about through the years.

FREE MARKETS AND EMBARGOES

The government farm programs *** work like this: the programs are based on acres times yields times monies, and when you are multiplying you increase the total many times more when you increase one of the factors. Back when a farmer could sell on the open market, he could get by making a small yield if he kept his costs down. But suddenly, after the government had broken the free markets with embargoes, the farmer found himself in a position of having to farm for the government payment. There was no choice, if he wanted to stay in business.

*** These ivy-league jokers still wet behind the ears who are trumpeting that farmers "need to become market oriented" need to do their own homework. If they'd just go back a few years, they would find out that we were market oriented.

The book then discusses the events leading up to the oilseed and soybean embargo of 1973, which resulted in the collapse of soybean prices and the loss of our Far-Eastern soybean markets to new growers in South America and elsewhere. Other embargoes since that date, including the 1980 embargo against Russia as punishment for her invasion of Afghanistan, have had a similar effect on foreign markets for many U.S. commodities, with devastating losses for the American farmer.

THE PIK PROGRAM

As pointed out previously, the PIK [Payment-in-Kind] Program cost this country over \$12 billion, cut domestic production and exports by 11 percent and increased foreign production and exports by an equivalent amount.

The following quote from the Neill-Baugh book indicates what happened to the individual farmer as a result:

Long-term planning is completely missing from government programs. Remember the PIK program about five years ago? The ASCS offices had meeting after meeting to try to explain it to the dumb farmers. One of the questions that was asked at every meeting I attended was, "If we cut our planting to fifty percent, will it reduce our bases in the future?"

As the answer was always "No." Guess what? This past year the same people figured in the actual plantings for the PIK year in the five-year averages to determine our bases. My base was reduced by nearly fifteen percent.

LEAN YEARS THE RULE

The authors conclude in the following quotes that farmers have to be op-

timists to stay on the farm and endure the lean years:

Farmers have always had to endure lean years. At the coffee shop an older retired farmer said after a second so-so year, "Don't worry. I've been farming since the '20s and I've never seen three poor years in a row." After the next year, he said, "Don't worry I've been in farming since the '20s and I've never seen four poor years in a row."

After that year, he quit coming to the coffee shop.

1990 FEDERAL BUDGET

In the past 8 years, as noted earlier, the Federal debt has tripled—from \$932 billion to over \$2.8 trillion. This has happened despite the fact that the total of appropriations bills passed by Congress has been some \$16 billion below the President's budget requests.

In the 1990 budget submitted to Congress, \$303 billion or 26 percent in outlays is requested for military spending, \$17.5 billion or 15 percent in outlays is requested for international affairs, and \$564.5 billion or 49 percent in outlays is requested for mandatory payments to individuals and corporations, foreign and domestic. Of the total outlay budget of \$1.15 trillion, only \$282.3 billion or 24.5 percent is classified as relatively controllable under existing law and subject to the discretion of Congress.

1990 BUDGET FOR AGRICULTURE

The 1990 budget for the Department of Agriculture, excluding the Forest Service, requests total appropriations of \$37.5 billion, a net reduction of \$4.7 billion from the level of the current fiscal year.

MAJOR CHANGES AND REDUCTIONS

A number of significant reductions are proposed for 1990, especially for the Commodity Credit Corporation, the Farmers Home Administration, the Rural Electrification Administration, and the Agricultural Stabilization and Conservation Service. A complete and detailed analysis of these proposals will be found in later portions of this report.

SOUND FARM PROGRAM ESSENTIAL

Mr. Chairman, the massive problems associated with the Federal deficit and the unfavorable U.S. trade balance can never be totally corrected until the Nation's internal economy is restored to vitality, with adequate attention to the needs of the people and the restoration and protection of the Nation's basic resources.

Since this country started meeting local needs with Federal programs in 1934, the Nation's wealth has increased 41 times. Since 1940, it has increased 36 times.

It is essential that the policies and practices which have made this country great be continued and strengthened to encourage productivity and to ensure benefits to people throughout the country. The budget must be balanced, but at a high enough level to

support essential domestic programs which benefit all 50 States equally and provide a strong economy—the first essential of real defense.

It is necessary that the Nation's resources—the people's real wealth—be protected and conserved. In this connection, it should be noted that 80 percent of the original timber stands and 40 percent of the Nation's fertile land are gone. The land and waters must be preserved and rivers, harbors, schools, highways, airports, and so forth, must be constructed and maintained to serve the needs of the national economy.

It is equally important that a strong and healthy agriculture be restored and maintained to support an educated and healthy population with adequate food and nutritional resources.

Agriculture is the Nation's largest producer of new wealth. It is larger than the auto, steel, and housing industries combined. It is the largest market for the goods and services of industry and labor. Its economic health must be restored and maintained to enable it to lead the way in strengthening the total national economy.

COMMITTEE EFFORTS TO STRENGTHEN FARM PROGRAMS

Existing law enables the Government to reinstate the farm programs which operated successfully for 48 years—a program where a fair price was received from the purchaser, both at home and abroad. During those 48 years, farmers were, to a degree, kept in balance with industry and labor who are able to pass their increased costs on to the purchaser of their product.

In 1985 the House of Representatives approved this committee's bill to return to the law where a fair price was to be paid by the purchaser rather than the Treasury, while at the same time retaining U.S. foreign markets through competitive sales. In conference in December of 1985, this provision was disapproved by a vote of 12 to 11.

The committee next reported out H.R. 4515 in May of 1986, which would have done the same thing. A rule was not provided protecting the provision and it was struck from the bill by a point of order during consideration by the House.

That provision reads as follows:

SEC. 105. In view of the financial crisis facing many farmers, resulting from embargoes and suspension of exports in 1973, 1974, 1975, and 1980, the failure to use the Commodity Credit Corporation for a loan program which led to a fair price from the user, the Secretary of Agriculture shall use his authority under existing law to provide for nonrecourse loans on basic agricultural commodities at such levels as will reflect a fair return to the farm producer above the cost of production and to issue such regulations as will carry out this provision and as will provide for payment by the purchaser,

rather than by appropriation, for basic commodities sold for domestic use and the Secretary of Agriculture shall issue such regulations as will enable producers of any basic agricultural commodity to produce the amount needed for domestic consumption, to maintain the pipeline, and to regain and retain by competitive sales our normal share of the world market.

Either of these two actions would have allowed the farmer to get his income from the purchaser of his product rather than be dependent upon a check from Treasury. Under the present system, the farm programs provide for the farm producers to sell basic commodities below cost. The beneficiaries are those middlemen and processors who are not required to—nor do they—pass the reduced price on to the consumer, as shown by their increased earnings.

Continued efforts must be made by the Congress and the executive branch to change the direction of present farm policies and programs to enable the Nation's farmers to stay on the farm, to enable American agriculture to prosper, and to enable the United States to reduce its heavy burden of debt, regain its place in international trade, and strengthen its position in the world's economy.

THE SECRETARY MUST ACT

There are a number of actions which the Secretary of Agriculture should take to restore the farm economy to a strong and healthy condition.

He should use the authority of the Commodity Credit Corporation Charter Act to develop and maintain foreign markets and enable the American farmer to be competitive in such markets. He should return to a policy of offering Government-held commodities on a competitive-bid basis to American exporters for export. The large holdings, until recently, of agricultural commodities in CCC inventories were the result of failure to sell abroad competitively—not the farm price support program.

By controlling the quantity offered and the spacing of such offerings, he can avoid dumping and use the private enterprise system to benefit the farm producer. Further, he can enable the American farmer to be competitive in world markets. Failure to do so in the past has held an umbrella over world markets and has helped to increase foreign production at the expense of American agriculture.

The Secretary should maintain target prices at a level which will enable the farm producer to cover his costs of production, plus a small profit to enable him and his family to remain on the farm. Such target prices must be at a level high enough to compensate for high U.S. labor and material costs established by other basic laws. Farmers either make costs plus a living, or deplete the land, go broke, and move to town like everyone else.

The Secretary should return to those farm programs which for many years enabled the farmer to secure his income from the users of his products rather than from the U.S. Treasury.

Also, he should follow policies which encourage full production since volume is as important to the farmer's income as price. Even if a farmer is guaranteed parity prices or higher, reductions in production reduce his gross income to a level insufficient to cover his costs of production and living expenses.

SCOPE OF BILL

Mr. Chairman, this bill includes funds for all of the activities of the Department of Agriculture, except the Forest Service which is funded in another bill. It also provides funds for various related agencies, such as the Food and Drug Administration and the Commodity Futures Trading Commission, together with limitations on funds for the Farm Credit Administration and the Farm Credit System Assistance Board. The valuable and essential programs funded in this bill are of benefit to all segments of the American economy, both rural and urban.

The bill provides funding for the agricultural production, processing, and marketing activities of the Department of Agriculture, including research, extension, animal and plant health, food safety, and marketing services. In addition, it provides funds for farm income stabilization—price supports—and farm export programs.

This bill is the primary source of funding for Federal assistance to rural areas, which cover some 84 percent of the entire land area of the Nation. Such assistance includes electric and telephone systems, housing, water and sewer systems, fire protection, financial assistance, soil and water conservation, and flood protection.

In addition, this bill includes funds for the food programs of the Department. Approximately one-half of the total funds included in the bill are for these nonfarm programs—including food stamps, school lunches, the WIC feeding program, and others, all of which are of primary benefit to city rather than rural consumers.

FUNDING LEVELS IN THE BILL

Mr. Chairman, the bill provides \$42,129,434,000 in total budget authority which is \$4.6 billion less than fiscal year 1989. The reduction below fiscal year 1989 occurs primarily because of lower funding requirements for the Commodity Credit Corporation. The bill is \$32,000 less than the budget request and we are under our 302(b) allocation.

Mr. Chairman, I would also point out that over one-half of the bill is for food and consumer programs with \$21.8 billion for the various food programs.

RURAL DEVELOPMENT

Mr. Chairman, we have restored the rural development programs which the budget had proposed to either eliminate or severely reduce. We have restored the rural housing program and the water and sewer programs, and, in fact, have provided some increases in both of these programs. We have restored the various conservation programs, including the Agricultural Conservation Program, and the programs of the Soil Conservation Service. We have again this year restored the rural electric and telephone programs which were proposed for termination in the budget request.

Mr. Chairman, our committee has always felt all of the rural development programs are far too important to rural America to be reduced or even cut out as the budget request generally proposes.

We have also provided funds for research and extension work, including the restoration of funds for the special grants program and numerous other programs such as urban gardening and the nutrition aides who are so important in our large cities.

CONCLUSION

Mr. Chairman, I would also like to thank all of the Members of the subcommittee and their efforts in bringing this bill to the floor today, the gentleman from Michigan [Mr. TRAXLER], the gentleman from New York [Mr. McHUGH], the gentleman from Kentucky [Mr. NATCHER], the gentleman from Hawaii [Mr. AKAKA], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Illinois [Mr. DURBIN], and the gentleman from Iowa [Mr. SMITH]. On the minority side, our ranking minority member on the full committee, Mr. CONTE, and our ranking minority member on the subcommittee, Mrs. VIRGINIA SMITH, who works so long and hard for agriculture, and the gentleman from Indiana [Mr. MYERS], the gentleman from New Mexico [Mr. SKEEN], and the gentleman from Minnesota [Mr. WEBER].

□ 1250

May I say again that our committee has done our best to meet the needs of the American people. Over half of this bill is for consumer programs. In the process, we have tried to look at every area of this country. Sometimes we have people, and I said it before, that anything you cannot see from the Washington Monument, people sometimes think is pork barrel. I say that we have to listen to our colleagues because they come from every section of our country and know the needs of their area. I do not believe any subcommittee or any committee could have done a better job or worked harder to do a better job than we have in trying to meet the needs of our colleagues' districts. That is what this goes to.

I want to tell Members we have done a good job in my opinion. Again, we are all working with the restrictions, and tried to treat every section of the country right. May I say again, in my opinion, the 57-member Committee on Appropriations voted this bill out by voice vote. I do not believe there was a dissenting vote. I ask for all Members' support.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking Republican member of the House Agriculture Appropriations Subcommittee, I rise to express my strong support for H.R. 2883, the Rural Development, Agriculture, and Related Agencies Appropriations for Fiscal Year 1990.

H.R. 2883 is a comprehensive bill addressing the funding levels of hundreds of programs involving agriculture, nutrition assistance, and rural development. It is legislation appropriating \$42.1 billion in fiscal year 1990, including \$38 billion in new budget authority.

This bill is \$4.6 billion less than fiscal year 1989 funding for similar programs and is exactly equal to the 302(b) targets set by the budget summit agreement between congressional leaders and the White House.

During these days of legislative backlog and anticipation, the Appropriations Committee has taken a positive step by reporting this bill to the floor at this time.

As always, I wish to express my deep thanks and appreciation to my good friend, Chairman WHITTEN of Mississippi.

Once again, his drive and dedication have proven endless throughout the hundreds of hours of hearings and testimony given before our subcommittee. His leadership and commitment to agriculture and rural America are unmatched in this Congress.

In addition, I thank my other colleagues on the Appropriations Committee for their cooperation and assistance in bringing this bill to the floor. Their support has allowed for the efficient and effective development of this legislation.

In addition, I want to thank the staff for the many hours of work they have invested so this legislation might be developed to the best of their abilities.

NEBRASKA FIRE

Mr. Chairman, before I continue with my formal statement regarding the specifics of H.R. 2883, I would like to address an issue of particular concern in my home State of Nebraska.

Last week, brush and timber fires in the northwestern counties of Nebraska devastated more than 100,000 acres of land. These fires destroyed thousands of miles of fence and other property.

Might I address a question to the gentleman from Mississippi at this time. Is it your understanding that appropriations are provided in this bill to assist those individuals who have suffered such property losses due to fires?

Mr. WHITTEN. If the gentlewoman from Nebraska will yield, yes, appropriations are provided under emergency conservation and other programs funded in the bill.

Mrs. SMITH of Nebraska. I thank the gentleman from Mississippi.

I am committed in pursuing this issue to make certain that the Department of Agriculture follows its authorization and utilizes existing funds to assist my producers.

Mr. Chairman, H.R. 2883 is representative of the hundreds of hours of hearings and testimony before the Appropriations Subcommittee on Rural Development, Agriculture, and Related Agencies, the review of thousands of written requests, and considerable consultation with experts, administrators, Federal officials, and constituents. A long and enduring process.

This year more than 30 Members of Congress presented testimony to the subcommittee. In addition, Members provided nearly 850 written requests for increases in funding for projects and programs of particular interest to their districts totaling hundreds of millions of dollars.

In addition, thousands and thousands of organizations and individuals have provided written requests and suggestions on the funding priorities before the committee.

To no one's surprise, our subcommittee did not receive a single request from Members of Congress for decreased funding—another sign of growing pressure and competition for fewer Federal dollars.

Mr. Chairman, on a number of occasions, I have had the privilege to stand before this Chamber to express and sometimes protect the interests of American agriculture and rural America—an honor I am always willing to accept.

Today agriculture and rural America continue to suffer from the lingering, deep wounds of the not-so-distant depression of the early eighties. However, this day and the future are better for agriculture than the earlier years of this decade.

Throughout the early eighties, farm incomes were declining, farmland prices plummeted, and U.S. agricultural exports were falling both in total value and market share. Producers suffered from unstable prices and incomes due to uncontrolled grain reserves and inconsistent agricultural policy.

Yes, rural communities and agriculture are better off today than in the early eighties. Farm income has stabilized. U.S. agriculture exports have re-

gained strength, grain reserves are being better controlled, and millions of acres that should have never been put into agriculture production have been placed into conservation programs.

It is a better day for agriculture in great part due to the decisions and policies pursued by agricultural leaders and the Congress. These policies include the agricultural spending priorities endorsed by the Congress and the programs funded by this bill.

The 1990 agriculture appropriations bill is a collection of spending priorities, recommendations, and requests. It addresses many concerns and questions raised by various sources.

AGRICULTURAL TRADE

Throughout our subcommittee hearings, agricultural exports and U.S. competitiveness overseas have been issues of particular concern. Many have expressed fear that the Congress would be reluctant to continue to fund a strong agriculture trade policy.

After careful consideration and review of the current world situation and the continuing drought in regions of the United States, the committee has put forward a recommendation to again fund at the fiscal year 1989 level the Export Enhancement Program at \$770 million and the Targeted Export Assistance [TEA] Program at \$200 million.

Both programs have proven instrumental in the marketing of U.S. agricultural commodities throughout the world. Although these recommended funding levels are below the administration's request, the committee proposal would continue to provide substantial funding levels and send a clear signal to producers, exporters, and the Bush administration on the need for continued utilization of the program.

The subcommittee also listened to the concerns regarding health and environmental issues facing our entire Nation.

The committee responded to the calls of agricultural producers and environmentalists to restore funding to many conservation programs targeted by the administration's budget for cuts or dramatic reductions.

In addition, the committee realized the need to provide an additional \$78 million to the Soil Conservation Service to assist producers in reaching the soil conservation goals created in the 1985 farm bill.

Also, the committee carefully reviewed the various proposals put forward by the administration on improving water quality. Upon review of this bill, you will find that many of these proposals have been incorporated into the final legislation—a true victory for all Americans. As provided by H.R. 2883, water quality initiatives would receive approximately \$177 million in fiscal year 1990. A figure supported by the Bush administration.

Throughout the spring hearings, the Agriculture Appropriations Subcommittee questioned officials on the many lingering food safety questions and concerns that have been sensationalized in the media.

The American public must be fully informed that the U.S. food supply is the safest, most abundant, most diverse, and at the lowest percent of per capita income in the world. In drafting the funding recommendations within this bill, the committee has again expressed the need to continue efforts to ensure food safety.

Although many mistake this legislation to be only concerned with agricultural and rural development programs, it also clearly addresses many of the difficulties of urban America as well.

Although titled the agriculture appropriations bill, it provides for \$582.7 million so the Food and Drug Administration can continue to address various health and safety issues. The bill contains a funding recommendation of \$14.2 billion for food stamp programs, and \$682.1 million for various international assistance programs.

In H.R. 2883 and the accompanying committee report, it is clearly stated that the No. 1 priority of this legislation is to address the difficulties that came to light regarding certain nutrition programs—more specifically the Women, Infants, and Children [WIC] Program.

For fiscal year 1990, the committee proposes a funding increase for WIC of nearly \$197 million. This increase would bring this program to a record funding level of more than \$2.1 billion.

WIC funding has increased more than 254 percent over the last 10 fiscal years—a strong record of support for this program.

Since Congress created the WIC Program as a pilot project in 1972, it has proven to be a highly effective answer to rising infant mortality rates and illness to mothers and children who were at nutritional risk during pregnancy.

However, the WIC benefits have not reached all those eligible for assistance. Currently, only half of those eligible for WIC assistance are enrolled.

The Appropriations Committee is fully dedicated to the improvement of the WIC Program and will be continuing to follow its further development.

Although the bill before the House has dramatic differences from the recommendations put forward by the Reagan and Bush administration, H.R. 2883 has not been met by veto threats or strong condemnation.

I also want to take this opportunity to highlight programs of particular interest to Nebraskans. As one would expect, this bill has a major impact in my home State and my district.

Under H.R. 2883, the University of Nebraska would receive a substantial boost to begin construction of facilities

for the proposed Center for Advanced Technology.

This center will strengthen the ability of Nebraska and other States in the region to develop human resources and foster development and the technological transfer of new products and processes to industry. In fiscal year 1989 the Federal Government provided \$250,000 for the planning and design of the facility. In the next fiscal year, H.R. 2883 would provide \$2 million for the center to begin construction.

I am pleased that the Appropriations Committee has carefully considered Nebraska's request and has recommended this funding level although it is below the request made of the committee.

In addition, this bill provides that the Meat Animal Research Center in Clay Center, NE, be funded at \$1.5 million in fiscal year 1990. This increased funding, \$400,000 above the administration's \$1.1 million recommendation, will be utilized to fully staff the animal health unit [\$150,000] and begin construction of swine facilities [\$150,000] at the center.

MARC has proven to be an effective and premier research facility for the Department of Agriculture. One of only two such facilities in the Nation, the research and experimentation conducted will continue to provide leadership and direction for livestock producers across the Nation.

With an eye to the future in other areas, the committee has also approved \$110,000 for continued range management and grazing research conducted at the Gudmanson ranch in Whitman, NE.

The bill would provide for continued milkweed [\$80,000], crambe [\$65,000], and corn polymer [\$40,000] research conducted in Nebraska. And it also provides for the continuation of the Nebraska Cooperative Extension Service programs, including the Management for Tomorrow Program [\$190,000] and the Ag-In-Transition Program [approximately \$500,000].

The further support of Nebraska's initiatives have been and will continue to be a wise investment for the Congress.

I am pleased with the committee's funding recommendations in H.R. 2883.

Mr. Chairman, I join Chairman WHITTEN in support of H.R. 2883. It is a prudent and fair bill. A bill that meets the budget targets set out in the White House budget summit earlier this year.

It is unable to fulfill the requests of every individual or agency; however, H.R. 2883 attempts to balance the multiple interests, concerns, and suggestions the Appropriations Committee has faced.

Thank you.

□ 1300

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise today in support of H.R. 2883 and wish to commend the Appropriations Committee under the leadership of the distinguished gentleman from Mississippi [Mr. WHITTEN] and also to my very distinguished colleague from Nebraska, VIRGINIA SMITH, the ranking minority member, for her leadership in the difficult but successfully completed task of bringing before the House this measure funding the administration of such a wide variety of essential agricultural programs. While the programs under the appropriations bill are important to the future direction of the agricultural industry which is responsible for such a large portion of this country's domestic employment and foreign trade, it is also responsible for continuing our commitment to the very backbone of this economic force—our family farmers and rural communities—and for our food stamp and most of our domestic hunger programs.

Let me first endorse the \$2 million in funding recommended by the committee for the planning and construction of the University of Nebraska's Center for Advanced Technology for fiscal year 1990. Recognizing the competition between the many universities for the limited amount of funds available for these programs, I feel that the University of Nebraska-Lincoln was fortunate but deserving of this selection. Particular credit is due to the efforts of the gentlewoman from Nebraska [Mrs. SMITH]. While this facility will help the State of Nebraska diversify its economy through fundamental research in product development, the technology center will also be essential in technology transfer from the laboratory to the factory in fostering established industries involved in food processing and industrial use crops.

The crop research programs included in this appropriations measure will also contribute to the development of alternative use crops and could allow producers to become more independent of farm programs. I lend my support for such innovative projects being conducted in Nebraska including; \$85,000 to expand milkweed research which has shown the plant floss to be superior to goose down as insulation in a number of studies; \$40,000 to continue the biodegradable corn plastics research program; and \$65,000 for oil seed and protein research in crambe production.

In addition, Mr. Chairman, the important inclusion in this appropriations bill of funds for the AG-in-Transition Programs means that the successful education and counseling effort initiated in 1985 to assist farmers in moving from the farm to other vocations will be continued. This Member is proud that this innovative response to a farm and farm community economy under stress began in Nebraska. The Ag-in-Transition Program builds on the notion that a failing farm does not necessarily mean a bankrupt farmer and a destitute family. The skills required to operate an agricultural enterprise are expanded and refined to other vocations. Training and other support services ease the transition from the farm to the town or city. Most of all, the excellent Ag-in-Transition Program enables farmers facing a crisis to keep not only their families intact but their

dignity and sense of self-esteem as well. I applaud the committee's wisdom in continuing to support this most worthy program.

Mr. Chairman, I am also very supportive of the increase in funding of \$8 million over 1989 levels for a total of \$183.9 million in fiscal year 1990 for the Agricultural Conservation Program [ACP] and the earmarking of a portion of this increase for water quality initiatives. While the Conservation Reserve Program has retired a large portion of our most fragile agricultural lands, the ACP has traditionally served as our front-line defense against the ravages of wind and water erosion. This program has been used in the past as a successful tool for our farmers, and in light of the additional conservation measures that many producers must implement in order to be eligible for program benefits under the conservation compliance provisions, we should, if at all possible, increase this cost-share funding even more.

With many rural community water systems across Nebraska and the Great Plains or Midwest experiencing excessive nitrate contamination, I also strongly support the \$209.3 million appropriation for FmHA rural water and waste grants. While the increase in the funding level is primarily meant to help clear up the backlog of grant applications, new and serious threats are facing many rural communities and the quality of the water they drink. These threats range from water degradation caused by the persistent drought gripping areas in the upper Great Plains to carbon tetrachloride contamination just beginning to show up in municipal water supplies—and which I believe can, in numerous instances, be traced to the USDA from its past activities involving the storage of CCC grain over 30 years ago.

All and all, Mr. Chairman, H.R. 2883 represents a commitment to a responsible appropriations proposal for the USDA and its crucial agricultural and domestic hunger programs without severely jeopardizing its fragile recovery. Therefore, I urge my colleagues to support the passage of H.R. 2883.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of H.R. 2883, the Agriculture Appropriations bill, and commend the chairman and members of the committee for providing a substantial increase in funding for the highly effective and cost-saving WIC program.

The committee bill, which increases WIC funding by 10 percent to \$2.126 billion—some \$197 million over 1989 funding and \$165 million over the administration's budget estimate—will enable us to save lives and improve the health of hundreds of thousands of additional poor and nutritionally needy pregnant women, infants, and children who are eligible for the program but do not now benefit because of limited funding.

The committee bill will allocate substantial new resources to address the growing and preventable problems of infant mortality, low birthweight births, and nutritional deficiencies

during the early childhood years that have such devastating impacts on children's healthy development and learning.

As chairman of the Select Committee on Children, Youth, and Families, I have seen the mounting body of evidence demonstrating that WIC is one of the most cost-effective programs we have. It has been shown many times over to reduce low-birthweight births, infant mortality, and anemia among poor children and to improve cognitive functioning. WIC can save up to \$3 for every \$1 invested in its prenatal component on immediate hospital costs alone.

Based on the compelling evidence regarding WIC and other effective programs for children, earlier this year I introduced "The Child Investment and Security Act." That initiative would put into place a comprehensive and cross-program strategy ensuring that by the end of the Bush administration, every vulnerable child aged 0-6 will have the opportunity for full mental and emotional development, educational readiness, and good health. Phasing in WIC benefits to all who are eligible is one of the five major components of my initiative, and the Appropriations Committee funding action on WIC for fiscal year 1990 takes us well on our way toward ensuring full participation.

We should be proud of the progress made in expanding this very effective program over the last several years, particularly in the face of the preceding administration's ceaseless opposition. However, our work is far from done as current funding allows us to reach only about 50 percent of those who are eligible.

California, my home State with the largest population of current and potentially eligible participants, ranks close to the bottom, reaching only about 30 percent.

Just last week, the Committee on Education and Labor of which I am a member, passed a 5-year program reauthorization that will further enhance efforts to provide WIC's proven and cost-effective benefits to more vulnerable women, infants, and young children.

This appropriations increase, along with the program improvements, makes considerable progress toward reaching the goal of serving all those eligible for the program in the next few years and preventing the tragic and costly outcomes with which we have become so familiar.

I again thank the chairman and the committee for this important step.

Mr. LELAND. Mr. Chairman, I rise in support of H.R. 2883, legislation providing fiscal year 1990 appropriations for rural development, agriculture, and related agencies. I applaud the efforts of my distinguished colleague from Mississippi, Chairman WHITTEN, and the members of the committee for the delicate balance struck in crafting this bill. They succeeded in meeting the 302(b) allocation set for discretionary spending programs in a way that will permit increases in critical domestic nutrition assistance programs. Yet, they have not compromised other vital programs under their jurisdiction.

I submit particular endorsement of the \$118 million increase, above the current baseline, for the special supplemental food program for women, infants, and children—popularly known as WIC. Since its inception in 1972, WIC has enjoyed broad support from Members on both sides of the aisle. This support has been manifested in yearly funding increases which facilitate program expansion to a greater number of low-income women, infants, and children who are at health or nutritional risk. It is my understanding that the funding level recommended by the committee—and I note that this is the largest annual increase made in the past 5 years—will extend the health care and food supplementation services rendered by WIC to more than 230,000 additional participants.

I would also like to articulate my support of the committee's recommendation to sustain the WIC farmer's market demonstration project, a pilot program that I had the opportunity to take part in developing. Through this component of WIC, participants receive coupons redeemable at farmers' markets for the purchase of fresh fruits and vegetables—items frequently lacking in the diets of the low-income population.

We are all sensitive to the enormous pressure on this body to pursue a program of fiscal responsibility that will reduce the Federal deficit. The funding levels for antihunger programs prescribed by the committee and presented in the bill before us today demonstrate policy that is not only fiscally sound, but morally and socially responsible.

I commend my colleagues for a job well done.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentlewoman from Nebraska [Mrs. SMITH] for yielding me this time this morning, and I want to start at the outset by saying that of course I do support H.R. 2883.

Mr. Chairman, I think this is one of the most comprehensive agriculture bills that has come out of our committee, and kudos are flying today to the chairman, the gentleman from Mississippi [Mr. WHITTEN], and they are well deserved for the kind of craftsmanship that he has given this piece of legislation year in and year out.

However, Mr. Chairman, while we are at it, let us talk about the ranking member, the gentlewoman from Nebraska [Mrs. SMITH] who has represented her district so well, probably one of the most agricultural districts in the United States by her own admission, and I say to her, "Thank you for this work," because I think this is the last time that she will present this

bill unless we have a supplemental, or something of that kind, and I just want to say to her that she and her staff have been a great asset to this committee, and this dear lady has really made a great contribution to the agricultural systems of this country. We appreciate that very much, and I hope she enjoys her retirement as she sits on that porch that she has talked about in Nebraska, and we will all come over and have a little bit of that barbecue.

Mr. Chairman, I also want to say to the committee staff that they are one of the finest anywhere around this Congress in the way that they have worked with all of us in putting this piece of legislation together. I think the lack of controversy involving the \$2 billion appropriations bill is a sign, too, that the work is well crafted and that the concerns of most every Member of the 435 Members of Congress have been well cared for and attention has been given them.

□ 1310

That is a very difficult task. It has been done and done well.

So I say to the chairman and to the ranking member and to the staff of the committee and to the individual staff members who worked so hard, I thank them for the effort.

Through the adept leadership of our subcommittee chairman, the gentleman from Mississippi [Mr. WHITTEN] and our ranking minority member, the gentlewoman from Nebraska [Mrs. SMITH] this bill represents a balanced and thoughtful response of prioritizing the needs of rural America, producers and consumers of food products, and disadvantaged Americans who are nutritionally at risk.

This has not been an easy task. Months of hearings and literally hundreds of requests from various individuals and organizations have demonstrated the tremendous needs that should be addressed in this legislation, and have been addressed. But this bill does an outstanding job in meeting these challenges while staying within its 302(b) budget allocation, and that is no easy task in itself.

Let me mention a few areas funded in this bill and their importance to agriculture, our rural areas, and all Americans.

One of the foundations on which we need to build and secure the future of American agriculture is research. In response to this, we have provided for an increase in USDA's research budget.

This research will continue to focus on a wide range of issues—from environmental concerns that impact all of agriculture and all of this Nation, to regional problems, like finding alternative crops and fighting diseases and pests that threaten various crops. This

research is critical to American agriculture.

The future of agriculture is, of course, I think implicit in the kind of research that we do and that we will do in the future, because it is technology that has advanced agriculture in the United States to the point it is today, the best agricultural system anywhere in the world.

Our producers will continue to be aided by Federal export programs that, in my opinion, have been very effective in helping American producers compete overseas.

One of the best elements of our whole international trade has been our Agricultural Export Program.

Rural America has certainly been included in the bill. Rural telephone, electric, housing, water, waste disposal, and development programs have been continued. The message is clear, our rural communities will have our support in their fight to survive and grow, and that is no mean task in the United States today, because rural communities are suffering and have suffered, and they have depended almost totally on two great enterprises, agriculture and education. They go together. We want our rural communities to survive and to grow.

Through this legislation, American consumers can be assured they will continue to have access to the most plentiful and the safest food supply in the world.

And I emphasize, the safest. We hear the hysteria that goes on every time some chemical question is raised about the production of agricultural goods in the United States. Without any question, it is still the most plentiful and the safest food supply in the world.

Finally, this legislation provides nearly \$22 billion for various domestic food and nutrition programs, including a 10-percent increase in the Women, Infants and Children Program, and a 30-percent increase in the Commodity Supplemental Food Program.

Overall, this is a balanced and fair bill. It touches every American—from producer to consumer. We help ensure that agriculture remains a viable industry, that those who live in our rural communities will receive the support they deserve and those who need help in feeding their families will have that assistance.

Again, I am pleased to offer my support for this legislation—legislation that deserves the full support of the House—and urge the full support of the body.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER], a long-time member of the Appropriations Committee.

Mr. NATCHER. Mr. Chairman, one of the nicest things that has happened

to me since I have been a Member of Congress is the opportunity I have had to serve on this subcommittee with my friend, the distinguished gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee, along with the other members of this subcommittee.

When I first arrived here in the Congress, we had Harold Cooley, of North Carolina, Cliff Hope, of Kansas, and, Mr. Chairman, the predecessor of the gentleman in the chair, Bob Poage, of Texas, all outstanding Members of the House and Members who believed that the interests of the American farmer should be protected, Members who at all times said and believed and worked to that extent to see that the income of the farmer was at least an adequate share of our national income.

Mr. Chairman, I have served on this subcommittee now for 34 years and it has been a distinct honor and a privilege to serve with my chairman and the other members of the subcommittee.

Mr. Chairman, the Subcommittee on Agriculture, Rural Development and Related Agencies appropriations brings to the floor for your approval the annual appropriations bill for fiscal year 1990.

In the bill that we present today, we make recommendations for funds for all activities of the Department of Agriculture except the Forest Service which is funded in another bill. This bill also provides funds for various related agencies such as the Food and Drug Administration, the Commodity Futures Trading Commission, together with recommendations of funds for the Farm Credit Administration and the Farm Credit System Assistance Board. This bill provides funding for the Agriculture Production Processing and Marketing Activities of the Department of Agriculture, including research, extension, animal and plant health, food safety, and marketing services. In addition, Mr. Chairman, it provides funds for farm income stabilization and farm export programs.

In our bill we provide funding for Federal assistance to rural areas which covers some 84 percent of the entire land areas of our country. This assistance includes electric and telephone systems, housing water and sewer systems, fire protection financial assistance, soil and water conservation, and flood protection. The bill also includes funds for the food programs of the Department of Agriculture.

Mr. Chairman, approximately one-half of the total funds included in the bill are for nonfarm programs which include food stamps, school lunches, the WIC Program and others which are of considerable importance to our cities rather than our rural consumers.

This bill is under our 302(b) funding level and is structured in such a

manner that it should receive full support in the House of Representatives, the U.S. Senate, and be signed into law by our President.

As we well know, our American farmer knows how to produce and today our country is still the largest exporter of food to the other nations of the world. Assets invested in agriculture exceed those of any of the next 10 largest industries and this certainly means that the American farmer is entitled to a fair share of our Nation's income.

We can help the American farmer when we help him sell his commodities. The cost of production is increasing each year and it is imperative that we have a price support level that more accurately reflects the cost of production plus a reasonable profit. Today, agriculture is the only industry I know of where a seller must accept the price offered or else return home with his commodity.

For our extension service, we recommend the sum of \$368,950,000. This is \$7,922,000 over the 1989 level and \$44,452,000 over the budget estimate.

REA is one of our great achievements and certainly, Mr. Chairman, we should not accept the proposal contained in the budget estimate for this program. For loan authorization under the rural electrification and telephone revolving fund, we recommend the sum of \$1,794,375,000. For insured loans to rural electrification systems we provide for a floor of \$622,050,000 and a ceiling of \$933,075,000. For insured telephone loans our committee recommends a floor of \$239,250,000 and a ceiling of \$311,025,000. As you know, the budget proposes to terminate these programs.

For guaranteed loans to rural electrification systems, the committee provides a floor of \$813,450,000 and a ceiling of \$1,961,850,000. For guaranteed telephone loans, the committee provides a floor of \$119,625,000 and a ceiling of \$138,765,000. Here again, Mr. Chairman, the budget proposes to terminate these programs.

In our bill, we provide for reimbursement for interest subsidies and losses for the rural electric and telephone revolving fund the sum of \$244,100,000. For the rural telephone bank we recommend the sum of \$28,710,000. For direct loans for our rural telephone programs we provide \$177,045,000. This program is just as important today as it was in the year 1935 when it was first established by Executive Order 7037 on the 11th day of May, 1935.

Our Soil Conservation service is one of the most successful programs operated by the Federal Government. For conservation operations, we recommend in this bill the sum of \$481,000,000. For our river basin survey and investigations, the bill contains \$12,533,000. For watershed plan-

ning we recommend the sum of \$8,997,000. For watershed and flood prevention operations we recommend the sum of \$182,373,000. For resource conservation and development we recommend the sum of \$27,620,000. For our Great Plains Conservation Program we recommend the sum of \$20,474,000.

Mr. Chairman this bill recommends the sum of \$184,935,000 for our agricultural conservation program.

In this bill we recommend reimbursements for net realized losses to the Commodity Credit Corporation in the sum of \$4,800,000,000.

Mr. Chairman, this is a good bill and we recommend the bill to the committee.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. CONTE], who is vice chairman of the Appropriations Committee.

Mr. CONTE. Mr. Chairman, I want to thank the lovely gentlewoman from Nebraska for yielding this time.

Every year I hear my good friend, the gentleman from Kentucky [Mr. NATCHER] tell us not to worry about the Agriculture appropriation bill. He always says, "The chairman will give you a good bill."

Well, Mr. Chairman, the gentleman from Kentucky [Mr. NATCHER] has got it right again.

I also congratulate my good friend, the gentleman from Mississippi [Mr. WHITTEN] for a job well done.

I also want to thank my good, beloved and dear friend, the gentlewoman from Nebraska [Mrs. SMITH] who has always done such yeoman work on the Agriculture appropriation bill for all her contributions, and I will have more to say about her later on as we go in the session.

Mr. Chairman, writing this bill is never easy. With everybody and his brother looking for a trade center here and a biotech project there, you've got to be a better farmer than Old MacDonald to make ends meet.

But I think that the Members should generally be pleased with the results, as should the Department of Agriculture. It sneaks in at \$66,000 below the 302(b) level of \$8.892 billion for budget authority, and is \$732,000 below the 302(b) in outlays. Squeezing any more out of the bill would be like squeezing blood from a stone.

Overall, the bill is \$42.8 billion in budget authority, a slight decrease from fiscal 1989, and \$31.3 billion in outlays, an increase from fiscal 1989. The bill essentially preserves the status quo. As in previous years, it rejects the sweeping changes which the administration proposed for the Farmers Home Administration and the Rural Electrification Administration loan programs, which accounts for

\$4.4 billion of the \$5 billion difference between the administration's request and the committee bill.

The bill includes slight increases for the main research arms of agriculture, the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service. It fully funds the Food Stamp Program at \$13.3 billion, and funds the child nutrition programs at \$4.87 billion, \$20 million above the request.

I am quite pleased that despite the tight budget, the bill is able to increase funding for WIC by \$197,000,000 over fiscal 1989. That is \$164,000,000 over the budget request, and will go a long way toward expanding the WIC Program so that over 50 percent of eligible women and children are able to receive benefits.

I am also happy that we were able to increase funding for the orphan drug program of the FDA by \$2,750,000. It's the only program solely dedicated to therapies for rare diseases that don't receive the attention that cancer and AIDS do, and it's a program I strongly support. The FDA funding also includes a \$16.5 million increase for AIDS and \$12.2 million for food safety.

The bill reimburses the Commodity Credit Corporation for losses of \$4.2 billion, which is \$567 million below the request. USDA has said that what we are providing will, in fact, cover all their losses this year. I'd like to point out that \$1.969 billion of the losses can be attributed to the hidden expense of the Export Enhancement Program, the ridiculous program which gives the United States taxpayer subsidizing grain sales to the Soviet Union. We ought to toss that program in the garbage dump where it belongs.

Mr. Chairman, putting this bill together was like trying to chop up a big block of ice so all the cubes fit into those little trays. It was difficult, a little bit slippery, but successful. I thank Chairman WHITTEN and ranking member SMITH for their work, and recommend support for this bill.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA], a member of the subcommittee.

Mr. AKAKA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Rural Development, Agriculture, and related agencies appropriations bill for fiscal year 1990 and ask unanimous consent to revise and extend my remarks.

I want to begin by commending my colleagues on the subcommittee for their hard work. I especially want to thank our fine chairman, Mr. WHITTEN, and our subcommittee's ranking member, Mrs. SMITH, for their leadership in formulating this bill.

I also offer warm words of appreciation to our subcommittee staff, Bob Foster and Tim Sanders, for their countless hours of work on this bill. The bill we bring to you today is the product of countless hours of work. The subcommittee sat through more than 25 hearing sessions and heard testimony from hundreds of witnesses before we prepared this bill.

I don't need to tell anyone in this Chamber how difficult things are for the Appropriations Committee. There simply is not enough money for the work that needs to be done, and that is especially true of agriculture programs. Many hard choices had to be made in the process of formulating this bill. In some instances, the funds available are barely adequate to do the job. Nonetheless, the bill is the best that can be expected given the funds available, and is fair and reasonable under the circumstances. I urge every Member to support it.

One item that I consider to be a hallmark of this fiscal year 1990 appropriations bill is the \$196 million increase we have provided in the WIC Program.

As is stated in the report to accompany the bill, the committee considers WIC to be one of its highest funding priorities.

I cannot think of a Federal program which provides more benefit per Federal dollar invested than the WIC Program. The class of individuals that WIC reaches face the greatest risk of any population segment. Countless studies have documented that, because of WIC, the women and children participating in this program face fewer premature births, fewer fetal deaths, and better cognitive performance in young children.

Not only is this program of great benefit in reducing these health problems, program dollars are being spent wisely. Recent changes instituted through the appropriation process have required wholesale purchases and other cost-containment measures. These have resulted in an increase of 460,000 program participants in fiscal year 1989, not because of any increase in appropriations, but because of improved program efficiency.

This is just one example of the many important programs in our bill.

In summary, this is a good bill, and I urge every Member to support it.

□ 1320

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. WEBER], a member of the committee.

Mr. WEBER. Mr. Chairman, I rise in strong support of the bill before us today, and I just want to begin by thanking the distinguished chairman of the full Committee on Appropriations and the chairman of our subcommittee.

This is the second Congress in which I have been privileged to serve on the Agriculture Subcommittee of the Committee on Appropriations, and it is a distinct pleasure to serve with the chairman. I also would like to thank the gentlewoman from Nebraska, the ranking member of our subcommittee, for the tremendous leadership she has provided to all of agriculture and especially with an emphasis on midwestern agriculture.

Mr. Chairman, I would like to just begin by focusing the Members' attention on what has been the trend of farm spending over the last few years. We had a few years ago something called the farm crisis that got a lot of attention. Last year there was a lot of attention given to drought legislation. The notion in the countryside probably is we are spending an awful lot of money on agriculture and, indeed, this Congress has been generous in responding to genuine needs when they have arisen, but it is worth pointing out that the total obligational authority in this spending bill has declined from \$52.6 billion in the fiscal year 1986 bill to \$42.1 billion in this bill before us today, over a \$10 billion reduction in total obligational authority.

Of course, much of the spending in this bill is not agricultural spending, and if we look only at the decline in ag spending programs, it is even greater than that. Title I agricultural program spending has declined from \$11.5 billion in last year's bill to \$7.1 billion in this year's bill.

The point I am making is that, as the committee members well know, yes, this Congress has been generous with agricultural when agriculture needed help, but agricultural spending is coming down. Agriculture is not a major contributing factor today to the tremendous problems that we face in dealing with the deficit every year. We are bringing spending down on this bill. We have been responsible for putting together a bill. Having said that, let me say that I am proud of the priorities established in this bill, and I was proud to have played some role in shaping them.

I would like to just deal briefly with some of them that are of particular interest to my part of the country. We have level-funded REA and telephone revolving funds at \$1.7 billion. In many accounts, a level funding is considered a de facto cut, but the folks in the REA's and the rural telephone co-ops are satisfied with that level of funding which assures continued good service there.

We have seen an increase in this bill in the total funding level for the Extension Service of \$368 million. I am proud of that money, Mr. Chairman. The last several years have seen increasing demands placed on the Extension Service, first, to cope with the

agricultural as well as human problems connected with the farm crisis, and now we are asked Extension to get heavily involved in economic development in my part of the country and elsewhere, and they need at least that level of research.

I am proud of, and involved in, this country's leadership on the issue of agricultural research. We have done a good job of funding projects that have been of long-term benefit to our economy generally and agriculture specifically.

I want to mention in the State of Minnesota that we have a couple of agricultural projects going on in my district involving low-input agriculture which are very promising at the ag research station in Morris, MN, and the University of Minnesota agricultural experiment station in Lambert, and the committee has been generous in funding these research efforts into low-input agriculture which, when successful, will save our farmers money and be environmentally sound.

We also are funding a unique research through an entity called the Greater Minnesota Corp. and, again, the committee has been generous in funding this effort to help develop new uses for agricultural funding.

Mr. Chairman, I urge support for the bill.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], a member of the subcommittee.

Mr. DURBIN. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, initially I would like to say that the statement made by the chairman and the minority spokesman on the committee, I think, have outlined quite well the important programs which we fund with this appropriation bill for the heartland of America, for the agricultural programs, and to feed not only the American people but many people overseas who have come to rely on the bounty of America to survive.

There are two aspects of this bill which are not noted usually which I think deserve comment. The first relates to a program which has turned out to be a spectacular success. We hear so many stories about those programs that failed, that are inefficient, where there is waste and fraud. But in the program, the special supplemental food program for women, infants, and children, so-called WIC Program, we have seen an unqualified success over the years. I am particularly proud to serve on this subcommittee and to report to the Members that since 1980 this subcommittee has increased appropriations for the WIC Program to feed poor pregnant women and poor children, and we have increased those appropriations over 254 percent. We hope with this year's appropriation, by

adding additional funds, we will bring additional mothers and children under this umbrella of protection.

The second aspect is the Food and Drug Administration, which many of us take for granted. It is not heralded, but I can tell the Members of the fine professional work that they do there to make certain that the food that we eat, the appliances we use for medical treatment and the like are all of the highest quality, which is work which we should not take for granted, and this subcommittee has funded this agency so well and continues to because of their great commitment and ours to the important mission which it serves.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise today to comment briefly on the Rural Development, Agriculture and related agencies appropriations bill for fiscal year 1990.

To begin with, I would like to commend the Appropriations Committee for its tenacity and resolve in developing an appropriations bill that abides by the framework mandated by the Gramm-Rudman targets. I would also like to take the opportunity to thank Agriculture Chairman KIKA DE LA GARZA and ranking minority member EDWARD MADIGAN for their input and involvement in the taxing budget reconciliation process. I am glad to see that the bill is sympathetic to farmer's concerns while remaining faithful to the principles outlined in the 1985 farm bill. However, I think that it is important that we put agricultural spending into perspective. As Chairman DE LA GARZA so dramatically visualizes in his graphs, agricultural spending in 1988 comprised only 4.3 percent of the total Federal budget. As debate begins on a 1990 farm bill, it is imperative that we continue to search for the best means to simultaneously minimize our farmers' financial burden and conform to Federal budget constraints. However, as we move into the next decade Congress must not neglect the environmental aspects of farm policy.

I applaud this bill's commitment to provide an increase of \$15 million in funding for hazardous waste management. The dilemma of how and where to store and dispose of hazardous waste materials will only intensify in the upcoming years. This appropriation will enable the Department to comply with the strict cleanup and inspection criteria required by the Superfund Program.

I also support the water quality initiative and other provisions in the Agricultural Research Service that allocate increased funding to food toxicology, bacterial contamination, and pesticide residues research. With the increased public attention being focused

on our Nation's food supply it is essential that Congress be seen as making a concerted effort to eradicate the threat posed by chemical toxicants, carcinogens, biological agents, and other substances which may constitute a threat to public health. We can and we must guarantee that our food is safe, pure, and wholesome and that our water is clean, and uncontaminated. Without this guarantee we will fail to fulfill our obligations to the public and we will force our society to live in perpetual fear of health epidemics.

I thank the Appropriations Committee for increasing the funding for environmental issues.

□ 1330

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER], a member of the Appropriations Committee.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding time to me, and like my colleagues before me, I rise to support the bill and to commend the committee members as well as the staff for the fine job that they have done in bringing this bill to us today.

I do not want this opportunity to pass without a reference to the very successful Riceland Mosquito Management Program which has made life more pleasant for many of my constituents.

Mosquitoes represent a serious problem in the rice growing areas of Arkansas, reducing the quality of life by limiting outdoor activities during certain parts of the year.

This bill provides \$456,000 to continue the RMMP.

Under this program, RMMP scientists at the University of Arkansas and schools in Mississippi, Louisiana, Texas, and California continue to perform important basic research into mosquito genetics and breeding patterns—with an eye toward controlling the insects.

The research has already provided breakthroughs in environmentally acceptable methods of mosquito control in rice-producing areas using both chemical agents and natural predators.

The applied benefits of the research are demonstrated through the RMMP's Arkansas component—the Grand Prairie Municipal Mosquito Abatement Program.

This program has provided technical advice and consultation that have sparked great interest in several communities in rice-producing areas of Arkansas and Mississippi.

Also, in 1988, the RMMP conducted economic research that quantified economic benefits to the region served by the Grand Prairie program as a result of increased outdoor recreation made possible by improved mosquito control.

It is money well spent.

This bill also provides money for programs of the Farmers Home Administration that help provide the infrastructure necessary to improve the quality of life in rural America, so that people who want to live in the countryside and produce our food and fiber can do so.

I am especially impressed with the good works of the FmHA in managing the program that makes grants and loans to rural communities for water and waste disposal. The FmHA does much but gets little credit for assisting the millions of Americans who live in small towns and rural areas, and are able to do so with a decent quality of life only because of the programs of the Farmers Home Administration.

Again, I congratulate the chairman, the gentleman from Mississippi [Mr. WHITTEN], and the ranking minority member, the gentlewoman from Nebraska [Mrs. SMITH], and all of the members of the committee.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, with the passage of crop disaster legislation earlier this year, Members recognized that farmers across the Nation are facing a second year of disastrous weather conditions. From the drought that has affected the winter wheat crop to the spring rains that have flooded the fields, many farmers have simply watched as their livelihood has been taken away. However, as we take up the agriculture appropriations bill today, Congress will be helping many individuals who have been affected by adverse weather.

Included in the agriculture appropriations bill is money for research and construction of a plant stress and water conservation laboratory at Texas Tech University in Lubbock, TX. While I wish the \$2 million provided for lab construction and research could have been more, I understand the fiscal constraints to which we must adhere.

Since the idea of a plant stress laboratory was discussed years ago, first by my predecessor—George Mahon—Texas Tech University has worked tirelessly to establish one of the best plant research centers in the Nation.

With 17 senior scientists presently on board, Texas Tech will be able to move forward with what has become some of the most important plant research being conducted. The answers provided by this program will help many farmers as they fight the continual changes in our yearly weather patterns.

This appropriation is especially vital, because it provides the first funding

for construction of the lab facility. I want to thank the members of the Appropriations Committee for their firm commitment to this important project and agriculture.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS] for the purpose of a colloquy.

Mr. WEISS. Mr. Chairman, I thank the distinguished chairman of the Appropriations Committee for yielding time to me at this point for the purpose of a colloquy.

For the purpose of setting the background for this, let me just state at the outset that I want to commend the gentleman for this outstanding piece of legislation that he has brought before the House at this point.

Mr. Chairman, I am concerned about language in the Appropriations Committee's report stating that the committee expects the Food and Drug Administration to put off making a decision on the carcinogenic color additive known as Red Dye No. 3 until certain long-term testing is completed.

FDA scientists have concluded that Red Dye No. 3 causes cancer. The ostensible grounds for further study outlined in the committee's report—to test the so-called secondary mechanism of the dye—have already been studied and dismissed in 1987 by a panel of expert Government scientists in a 100-plus page report.

The color additives industry has had 29 years to test Red Dye No. 3. Congress originally expected all tests on color additives to be completed by 1962. Since that time, FDA has granted the industry between 30 and 40 extensions to complete testing. The industry has used every trick in the book to prevent the law from being implemented. As of April of this year, FDA was prepared to ban Red Dye No. 3. That decision was expected to be announced in August.

With this background, I would like to ask the chairman several questions concerning the impact of the language in the committee's report appearing at page 126 in the section entitled "Food Safety."

First, is it correct to state, Mr. Chairman, that the committee's report does not legally require the FDA to leave Red Dye No. 3 on the market beyond August 28, 1989?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. The decision is left to the Commissioner.

Mr. WEISS. Second, is it correct to state that the committee's report does not alter in any way the legal effect of the safety standards in the Food, Drug, and Cosmetic Act—that is, either the requirement that color additives be safe or the prohibition on approving color additives that induce

cancer in humans or animals, found in 21 U.S.C. 376?

Mr. WHITTEN. The Commissioner, as a part of his discretion, has that right to extend it further if he sees fit.

Mr. WEISS. Third, is it correct to state that the committee's report does not alter FDA's legal obligations to meet the standards of the transitional provisions to the Food, Drug, and Cosmetic Act in granting extensions of time to the termination of the provisional list?

Mr. WHITTEN. May I say it leaves it at the status quo.

Mr. WEISS. Fourth, is it correct to state that the committee's report does not alter the provisions of the Administrative Procedure Act that prohibit FDA from unreasonably delaying final agency action on Red Dye No. 3?

Mr. WHITTEN. As the gentleman from New York says, this is a controversial item. In the past, we have asked Dr. Young to make these studies and to report to the Congress prior to taking action.

Mr. WEISS. I thank the distinguished chairman for his courtesy and his responses.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has consumed 3 minutes and has 4 minutes remaining, and the gentlewoman from Nebraska [Mrs. SMITH] has 2 minutes remaining.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentlewoman for yielding time to me, and want to join others who have complimented the chairman and the ranking member of this committee for the fine, outstanding work they have done. I know we will all miss the gentlewoman from Nebraska for the wonderful work she has done.

Mr. Chairman, this bill contains three programs that I think are particularly important to all of us here in the Congress, the nutrition program for women, infants and children which has been discussed here before, the child nutrition program, and the special milk program.

The WIC Program has been instrumental in safeguarding the health of "child bearing" women, nursing mothers, infants and children at nutritional risk. Several studies have indicated that the WIC Program helps reduce the incidence of low birth weight, birth defects, disabilities, and chronic ill health in newborn babies. While the WIC Program has been highly successful, it is estimated that 50 percent of those mothers and children eligible are not receiving assistance.

That is why this program and the additional dollars that are appropriated to it are so important.

Mr. Chairman, I want to point out in this bill we have \$20 million being appropriated for the special milk program in 1990, and the goal of this important program is to increase milk consumption by children in schools, child care centers, and summer camps, and this is most important, and I compliment the committee for their fine work in this area and for their forward-looking provisions in this legislation.

Mr. WHITTEN. Mr. Chairman, we limited the time and I asked for limited time because we wanted to get through this, but there are several Members who will not be able to be recognized. They can be recognized under the rules by moving to strike the last word, and I would call that to their attention so that they know that they can get their statements into the RECORD.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, included in the report to H.R. 2883, is a provision to support a chronic study, funded by industry, to demonstrate that FD&C Red No. 3 operates through a secondary mechanism. FDA would await the results of this relevant information before taking action on the provisionally or permanently listed uses of the color. I strongly support this approach. The FDA has repeatedly said that the scientific review concerning this color does not involve a public health concern. It would be unfortunate that a premature decision were taken prior to the opportunity to provide a thorough scientific evaluation of this color. I look forward to FDA and industry's cooperative scientific effort relating to this color, a vital marketing tool for America's agriculture.

□ 1340

Mr. WHITTEN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FAZIO], a member of the Committee on Appropriations.

Mr. FAZIO. Mr. Chairman, I address the House today to lend my support to the Appropriations Committee's report accompanying H.R. 2883 that provides for the continued scientific study and evaluation of the coloring known as FD&C Red No. 3.

The committee's report would allow for a joint effort between the industry and U.S. Government to conduct a thorough and expansive study on the effects and safety of FD&C Red No. 3, a coloring used in a number of food products. Although to date, research only confirms the color's safety and there is no data to the contrary, the tests conducted so far fail to definitively answer all the scientific questions. The proposed legislation, allows for the continued scientific research

and analysis through an industry-funded study.

Given the outstanding questions about the color's complete safety. It is important that a complete and in-depth scientific study be performed prior to any regulatory action to determine the provisionally and permanently listed uses of the color. For these reasons, I support the committee's language that would allow for the further research to address any outstanding questions on the safety of this color.

Mr. Chairman, I rise in strong support of H.R. 2883, the bill providing appropriations in fiscal year 1990 for the Department of Agriculture and related agencies. This is a good and fair bill, and I urge my colleagues to support it.

The bill is consistent with the 302(b) allocation both in budget authority and outlays, and is, therefore, consistent with the bipartisan budget agreement.

Mr. Chairman, I would like to thank the chairman of the subcommittee, Mr. WHITTEN, and the ranking minority member, Mrs. SMITH, as well as their able and very fine staffs, for putting together such a balanced package within a very constrained budget.

This has been a difficult task for each of our subcommittees, but I think the agriculture subcommittee has been particularly successful in meeting this challenge, and I thank the chairman and Mrs. SMITH for their continuing sensitivity to the somewhat unique problems of agriculture in California.

In particular, Mr. Chairman, I would like to point out that the bill includes \$130,000 to initiate the design and planning work on a National Grape Importation Facility to be located in Davis, CA. This project is being hailed as "vital" to the wine grape growing industry's ability to compete in the international market.

The facility will be a joint Government-industry project that will help the U.S. wine grape growing industry to experiment with and introduce new varieties of wine grapes. It will also help the United States wine industry to become more diverse and internationally competitive with France and other major wine-producing countries in Europe.

Specifically, the facility will serve the national grape industry by providing accessible grape importation services, protecting the industry from dangerous foreign pathogens, and improving quarantine procedures.

And, the University of California at Davis, where the facility will be located, is particularly well suited to manage this effort, given that it is an internationally acclaimed leader in viticulture research.

I would also like to point out that the bill includes \$264 million was approved for the Targeted Export Assistance Program which helps develop overseas markets for U.S. commodities, including many of our California-based specialty crops.

Many of our State's nut and tree fruit growers—including almonds, walnut, raisin, and citrus growers—have had tremendous successes in developing markets for their products abroad using the TEA funding, and I expect this program will continue to make a valuable contribution to this important sector of our agriculture economy.

In addition, Mr. Chairman, the bill before the House provides \$100,000 for special study of ways to combat the Russian Wheat Aphid in California.

California wheat and barley producers have a combination of irrigation practices, crop rotations, local cultural methods, and overwintering problems which must be fully analyzed if the destructive Russian Wheat Aphid is to be brought under control. And, this Federal funding will help us finance these essential studies.

Mr. Chairman, I would also like to commend the committee's chairman and the subcommittee members for making the Special Supplemental Food Program for Women, Infants, and Children [WIC] a high-priority program for fiscal 1990.

Over the years, WIC has helped to safeguard the health of pregnant and nursing women, infants, and children who are nutritionally at risk because of inadequate nutrition and income. By providing a \$196.6 million increase over the current level of funding and \$164.6 million above the administration's budget request, more nutritionally at-risk individuals will be served during the next fiscal year under the WIC Program.

Numerous studies have documented that the benefits of the WIC Program are well worth the costs. For example, an extensive medical evaluation of WIC funded by the USDA demonstrated that WIC contributed to a reduction of 20 to 33½ percent in late fetal death rate. Furthermore, women who participate in WIC were shown to have longer pregnancies leading to fewer premature births. Another study conducted by the Harvard School of Public Health found that WIC reduced the incidence of low birthweight and that each dollar spent on the prenatal component of WIC averts \$3 spent in hospitalization costs.

Mr. Chairman, the funding level in this bill will enable more low-income women, infants, and children to participate in this cost-effective and important program. Again, I applaud the work of Mr. WHITTEN and his colleagues on the subcommittee for making WIC a high-priority for funding.

Finally, Mr. Chairman, I would like to briefly discuss language included in the report to accompany the bill regarding Red Dye No. 3. The language directs the Food and Drug Administration to cooperate with industry in a long-term study of the potential health effects of Red Dye No. 3.

The study will be financed solely by industry, and the report language directs the Food and Drug Administration to provide technical assistance in the development and design of protocols for the study.

In addition, the amendment directs FDA to consider the results of this study, as well as any other scientific information which may emerge, prior to making any decision that would change the manner in which Red Dye No. 3 is used.

This proposal emanated from a meeting that about a dozen of our colleagues and I held with the Commissioner of the Food and Drug Administration, Frank Young. Commissioner Young indicated in that meeting, very convincingly, that there is no imminent health risk posed by the continued use of Red Dye No. 3.

He indicated further that there is a need for a long-term study to determine if the carcinogenic effects that have been seen in earlier studies of Red Dye No. 3 are the result of a so-called secondary mechanism effect.

Recent studies have indicated that Red Dye No. 3 may, indeed, cause a carcinogenic affect only when it is consumed in extremely large quantities.

These studies indicate that when consumed in extremely large doses the dye interferes with normal thyroid hormone production thereby causing an overstimulation of the thyroid gland and subsequent promotion of tumor formation—a process described as a secondary mechanism effect.

Moreover, there is no evidence indicating that the secondary mechanism effect is not operating in the instance of Red Dye No. 3. And, data prepared by Dr. Lewis Braverman of the University of Massachusetts Medical School shows a no effect level, for the effects of Red Dye No. 3 at a level of over 1,000 times the estimated human exposure—that exceeds the FDA standards by over 100 times.

In addition, to encouraging FDA to participate in the development of the necessary study protocols, the report language indicates that the committee expects the Commissioner of the Food and Drug Administration to take into consideration the results of this long-term study—which is expected to take between 3 and 5 years to complete—prior to taking any action regarding the status of the provisionally or permanently approved uses of the color.

This is consistent with the FDA's existing authority to extend the provisionally listed uses of the color. That standard, is:

First, the extension is consistent with the public health; and,

Second, scientific investigations are proceeding in good faith and will be completed as soon as reasonably practicable.

Clearly, on both counts, extension of the currently approved uses of the color are warranted. Commissioner Young, has stated repeatedly that the current uses of Red Dye No. 3 do not represent an imminent threat to the public health and the study which industry will finance and which FDA will help coordinate will be completed as expeditiously as possible.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, the Budget Committee has provided a "Dear Colleague" to all Members on this appropriations bill. There are no budget act waivers required for this bill because it provides budget authority and outlays equal to the discretionary targets established under the section 302 subdivision assigned to this subcommittee of the Committee on Appropriations.

In total, this bill provides \$8,892 million in both discretionary budget authority and outlays, which is equal to the discretionary budget authority and outlays in the subdivision.

The bill, therefore, is consistent with both the budget resolution and the bipartisan budget agreement worked out with the administration. For these

reasons, there are no budget problems with H.R. 2883.

This subcommittee, the third subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the targets established under the budget resolution. We congratulate Chairman WHITTEN and the other members of the subcommittee, and we are pleased to bring this information to the attention of the members.

I would also like to take the opportunity to thank Chairman WHITTEN and the Appropriations Committee for their strong support of the Women, Infants and Children Nutrition [WIC] Program and the recommendations of a \$118 million program increase for fiscal year 1991.

The WIC Program is of particular importance because adequate funding often can mean not only a significant positive impact on the quality of life of poor women, infants, and children but can also mean the difference between life and death itself.

The assumption of an increase for the WIC Program in the budget resolution reflected both the recommendation of the leadership's children's task force and the strong consensus support within the Congress of WIC. The specific action of the Appropriations Committee in recommending a real program increase for WIC reflects a vital commitment to aid our most disadvantaged citizens. It is the Appropriations Committee which deserves the praise and has carried forth on the promises which our leadership and others have made.

Mr. Chairman, I thank the chairman of the committee, and I urge Members to support this bill.

Mr. WHITTEN. Mr. Chairman, I yield the remaining one-half minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the chairman.

Mr. Chairman, I ask that the chairman of the full committee, Mr. WHITTEN, engage in a colloquy with me.

Mr. Chairman, it has come to my attention through agencies in my district that there has been some misunderstanding concerning whether or not the value of the \$100 school clothing voucher distributed by the State of West Virginia to needy children in August should count as income for purposes of the Food Stamp Program.

The result is that every August approximately 25,000 of West Virginia's poorest families will suffer the loss of an average of \$33 in food stamps for each school-age child in the household.

I ask the chairman, since there is some confusion concerning this, if he would be able to assist me in obtaining more information.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the chairman.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, may I say we will take it up with the Secretary and see what we can do to straighten this out.

Mr. WISE. I thank the chairman.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. I thank the gentleman for yielding, and I rise in support of the legislation.

Mr. Chairman, I support H.R. 2883 making appropriations for rural development, agriculture, and related agencies. I feel this well-balanced bill deserves the support of my House colleagues.

I would like to point out that this bill appropriates \$4.6 billion less for fiscal year 1990 than fiscal year 1989, and is equal to the target 302(b) budget allocation. I believe that this demonstrates the hard work the Budget, Appropriations, and Agriculture Committees have done to reduce spending in the agriculture sector.

Several items in this legislation deserve to be highlighted. For example, the bill appropriates matching grants for State agricultural loan mediation programs. Mediation has proven to be very successful in numerous States affected by the farm financial crisis, and we have seen that mediation is the primary tool used by lenders to successfully negotiate credit disputes. Mediation has proven to be less cumbersome, costly, and time-consuming than litigation, and can achieve results that are commercially more reasonable than foreclosure. Both farmers and creditors will continue to face severe financial pressures as a result of continuing drought conditions, and I feel that State mediation programs can contribute to alleviating some of these pressures.

The bill also provides funding for research in low input sustainable agriculture and increased coordination of groundwater protection efforts by the U.S. Department of Agriculture. These and other environmental issues are important to farmers, and they need to be given the information and technologies to farm in a sustainable manner. I applaud the Appropriations Committee for their farsighted views of the needs of American agriculture.

Mr. DINGELL. Mr. Chairman, I rise today to support H.R. 2883, the rural development, agriculture, and related agencies appropriations for fiscal year 1990 and commend the hard work my colleagues have accomplished in meeting an equitable compromise on this bill.

I also wish to thank my good friend and colleague, Congressman BOB TRAXLER, from the Eighth Congressional District of Michigan, who has time and time again proven himself to be a friend of the Michigan farmer. Through his continued leadership and dedication, he has helped secure very important agriculture funding for the great State of Michigan. This is evident in this bill with the increased funding he has helped to secure in the areas of food toxicology, subirrigation research, and the Commodity Supplemental Food Program. I also want to express my appreciation to Chairman WHITTEN for his assistance in securing increased funding for critical agricultural pro-

grams administered by the Federal Food and Drug Administration.

While the appropriation bill continues to address the needs of our farmers, let us not forget the further needs in agriculture. For example, I recently sent a questionnaire to the farmers in my 16th District of Michigan to get an idea of what issues are affecting them. While studying the results of that survey, I was dismayed to find that 40 percent of those responding indicated that their farm income had decreased since the 1985 farm bill. Forty percent. How can we allow this?

Please, make agriculture a top priority on our Nation's agenda. The farmers of this great land have continually provided us with a safe, abundant supply of food. I ask that we not forget them at a time when they most need our assistance.

Mr. TRAXLER. Mr. Chairman, I rise in support of H.R. 2883, the rural development, agriculture, and related agencies appropriations bill for fiscal 1990. This bill is a particularly fair one at a time when the demands for Federal assistance far outstrip our ability to respond.

I want to offer my compliments and thanks to the distinguished chairman of both the Subcommittee on Agriculture and the full Appropriations Committee, Mr. WHITTEN, and the ranking minority member of our Subcommittee, Mrs. SMITH of Nebraska. Their leadership again this year allows us to bring forward a bill that each and every member of the subcommittee can support with pride.

There have been some signs that farm income is improving. Other signs indicate that farm credit difficulties are not quite as severe as they were only just 1 year ago. Some of our colleagues may think that these changes are due to an improving farm economy. They are, but only in part. The ability of farmers to continue to be the most productive individuals in the world is due to a combination of improving market conditions, and the fact that the Government is still there to provide some meaningful assistance in difficult times.

We have not saved every farmer by any stretch of the imagination, nor have government programs helped every farmer. But to the thousands of farmers who since 1986 have been helped by farm disaster assistance programs, to others who have been their commodities purchased by USDA to help alleviate temporary surplus conditions, and to yet others who have seen farm price support programs help them make the mortgage payment, this assistance has been very important.

We are facing some key challenges over the next several years. Certainly the biggest challenge ahead is how do we match a meaningful ability to maintain a structure of programs that can help farmers when assistance is needed with the limited resources that may be available for those programs. That is the challenge of the 1990 farm bill.

We also must be prepared for dealing with an integrated European Economic Community which over the next several years will be an important agricultural bloc. Some suggest that our American trade policies need to be revised so that we move toward free trade. The European Community has for quite some time operated some of the strongest agricultural programs which may allow commodities to be sold on residual world markets at open market

prices, but the Community has also worked quite diligently to safeguard the income levels of its producers. This trade problem is a challenge for both our trade negotiators as well as the 1990 farm bill, and I join with several of my colleagues who want to be sure that our negotiators do not give away the farm in the pursuit of a free trade goal that is not honestly shared by many of our trading partners.

Mr. Chairman, the bill before us today provides a blend of restoring vital agricultural programs that the President sought to diminish if not eliminate entirely, while providing increases in important initiatives offered by both the administration and the Congress. It will not be easy to protect every recommendation in this bill all the way to the bill's final signing, and we will have to depend upon the support of all of our colleagues in order to protect as much of this proposal as possible.

We have the abundance and quality of food that we do today because the Federal Government for over 100 years has been an active partner in agricultural research. This appropriation bill continues that vital partnership. Again let me emphasize that we were unable to fund every meritorious idea that was presented to us. Some new initiatives have begun while a limited number of others have been expanded.

One of those that has been expanded is funding for food toxicology through the Agricultural Research Service. The small amount of \$250,000 that will be available through this specific appropriation will help us to continue studies involving chemical toxicants, carcinogens, biological agents, and other substances or processes which may endanger the food supply and constitute a threat to public health. Some of the news reports in the past several months indicate how important it is that we mount an aggressive and ongoing research effort into the use of these substances for two reasons: To make sure that our food supply continues to be safe, and to make sure that false and unnecessary fears not be raised among consumers about the safety of their food.

This funding for research efforts ties very directly with funds provided to continue the design and begin construction of a food toxicology facility at Michigan State University. It is still amazing to me that we do not have an active ongoing research program nor a specific center for looking into these vital food toxicology issues. The efforts that have been made in this area to date by other individual research projects are important, but we need to become much more directed in this area.

An increase is provided for potato research in the ARS budget. These funds are directed toward the most pressing needs identified by potato producers—the problems caused by aphids and potato beetles. The work done by the National Potato Council in carefully identifying these needs and working that resources are directed toward them is to be commended. It should serve as a model for other nationwide commodity groups.

I am pleased to say that we are providing a modest increase for formula funding for research under the Cooperative State Research Service. Inflation has eroded the purchasing power of research dollars over the past several years, and we need to do more in this area.

Again, though, this is one of those situations in which our ability to respond is limited by our overall budgetary situation.

While expanding the formula funds, the bill also continues a number of targeted research programs. One of the real strengths of our research system is its ability to recognize the need for research on items that may not be huge to the Nation, but are vital to those affected by it. Work done on a variety of commodities, like dry beans, sugar beets, apples, potatoes, celery, stone fruit, blueberries, asparagus, and wood products are vital in our effort to maintain the wonderful variety of products available to our consumers.

One of the major expansions in the CSRS budget is the funds provided for ground water research. Coupled with significant increases for the Agricultural Research Service, the Extension Service, and the Soil Conservation Service, this area is the highest priority in agricultural research. We need to be certain that we are safeguarding our water resources. With the many competing needs for them, we must be sure that water is used as wisely as possible, and that it is returned to aquifers in a safe state.

To this end, the special research grants category include \$125,000 for subsurface work in Michigan. This funding represents a continuation of work begun over the past few years with the assistance of the Soil Conservation Service. The goal in this project is to try to develop an underground method of irrigation that recaptures farm land runoff in a fashion that will allow reapplication of water and a recovery of farm chemicals. This recovery of chemicals may allow farmers to revise their methods of application so that both their costs are reduced and farmland runoff is minimized, safeguarding both our ground water supplies and other waterways.

While undertaking this activity in the CSRS budget, we retain the \$250,000 that had been provided to the Soil Conservation Service last year. With the research funding responsibility transferred, SCS should be in a position to expand its demonstration projects, including the possibility of establishing pilot irrigation districts. Noting that there are other agencies very much involved with these efforts, our report directs that these activities should be coordinated with those of the Environmental Protection Agency and the U.S. Geological Survey.

While this bill provides important assistance for production and conservation efforts, it also funds the many feeding programs offered by the Federal Government. As I am sure Chairman WHITTEN has carefully pointed out, this title of the bill has been fairly generous—even though the budget resolution did not provide as much generosity as some might believe. We were very nearly at a point where we would have to choose to expand some programs at the expense of current service levels in other programs. Fortunately, we were able to avoid that problem—but just barely.

We provide a major increase for the Women, Infants, and Children Feeding Program—\$118 million over current service levels. This increase demonstrates the high esteem in which this program is held.

But I want to provide a strong message to advocates of this feeding program: It is not the only one. Problems exist with the benefit levels in the Food Stamp Program that need to be addressed. Many who depended on commodities provided by the Temporary Emergency Food Assistance Program are finding that those supplies are drying up. Senior citizens find that food stamp help is virtually nonexistent, and that the Elderly Feeding Program which provides assistance to many doesn't provide the full amount of assistance that people need.

We should have one goal with our feeding programs: Feeding any needy individual who is hungry, regardless of age, regardless of program. It is admirable to mount campaigns in support of specific feeding programs, so long as everyone remembers that reference should be made to all other programs that can make a difference to people who need food.

I am quite pleased that we were able to provide adequate levels of funding in all of the feeding programs. I am particularly pleased that we were able to provide \$65 million for the Commodity Supplemental Food Program, which provides nutritious food packages to mothers, infants, children, and the elderly. This appropriation appears to be a large increase compared to the appropriated amount for fiscal year 1989, but that comparison is misleading. Nearly \$10 million of unspent funds was carried into fiscal 1989 from fiscal 1988 making the budget program level slightly more than \$60 million. The fiscal 1990 request reflects current service level needs, and we then provide a modest increase of \$3 million over this level for program expansion.

We know that there are opportunities to expand this program and we know that the opportunities are for the young and old alike.

It is for this reason that the report specifically discusses the committee's position that in those areas where mothers, infants, and children are adequately served unused caseload should be converted to the elderly. Please note that the report says "areas"—not States. The Food and Nutrition Service has maintained that it reviews these matters only on a statewide basis, and leaves local caseload assignment to State authorities. If this were true, then FNS should allow State authorities to allow local program operators to convert unused caseload when there is a demonstrable need for the elderly, and a clear likelihood that the additional caseload will not be needed for mothers, infants, and children. FNS has not done this in the past and instead insisted on a statewide need review, which holds the potential for being totally unfair to program operators who cannot control events in parts of the State outside their own program area.

This appropriation bill also funds the Food and Drug Administration. I want to say that I am in complete support of the report's provisions directing FDA to provide the technical expertise necessary for the development and design of protocols for a long-term study to determine if the secondary mechanism effect can be confirmed for FD&C Red No. 3. This action is necessary to once and for all bring to a close the questions surrounding the acceptability of Red No. 3, an item that is vital for meeting consumer demands for particular

food products. Any decision here should be based on good science, and nothing in this report precludes good science.

Mr. Chairman, I commend this bill to our colleagues and urge their support. It is an excellent bill under very difficult circumstances, and I caution our colleagues that what might appear to be slight assistance this year may be viewed as magnanimous help when we consider the fiscal 1991 budget with the limitations likely to be imposed upon all of us at that time.

Mr. TALLON. Mr. Chairman, I rise today in strong support of H.R. 2883, the rural development and agriculture appropriations bill for 1990.

Agriculture is the most rapidly changing sector of our economy. Managing this change means maintaining our technological advantage through ongoing, quality research. This bill includes funding for several vital research projects in South Carolina. South Carolina is a predominantly rural State, heavily dependent on tobacco. The funding included in this legislation will enable South Carolina to develop a competitive agribusiness economy that will take us into the next century.

First, the bill includes \$600,000 in planning funding for the improvement of facilities at the U.S. Vegetable [USDA Agricultural Research Service] Laboratory located in Charleston, SC.

For the past 50 years Clemson University has worked closely with the U.S. Vegetable Laboratory in conducting basic research in vegetable breeding and production. One of the primary missions has been to develop vegetable varieties with multiple resistance to diseases, nematodes, and insects without chemical pesticides. Work is currently underway on varieties of tomato, watermelon, canteloupe, green bean, southernpea, sweet potato, broccoli, and pepper with resistance to one or more of the common insect, disease, and nematode pests that affect them. I think the recent public concern over the pesticide residues in fruits and vegetables makes the work in Charleston particularly relevant.

Examples of their discoveries include the Homestead tomato with resistance to fungal diseases, which has been the primary variety for the fresh market tomato industry in Florida and South Carolina for 25 years; and the Charleston Gray watermelon which is still the primary variety throughout the South and in many parts of the world. The benefit-to-cost ratio of the Homestead tomato and Charleston Gray watermelon varieties has been estimated at over 300:1. As a result of these and many other contributions, this laboratory has earned national and international status as a center for vegetable research.

Yet, the current facilities for the USDA and Clemson research centers are inadequate to say the least. Staff are housed in an original 52-year-old building, a surplus World War II building, trailers, and other scattered small buildings, all occupied at 133 percent of design capacity. The buildings are very old, very costly to maintain and occupy, and are inadequate for the modern biotechnology-related research needed. As well, moving people and equipment between these buildings, along the heavily traveled highway, has created real safety hazards.

The need for new facilities for this vegetable laboratory are indisputable. The synergism of joint programs between the USDA and Clemson researchers will greatly enhance the efforts to develop new disease and pest resistant varieties of vegetables. The improved vegetable research and production, with focus on the environment, health, and nutrition, should be of real benefit to farmers and consumers.

The bill also includes \$285,000 for the ongoing southeast alternative cropping systems project. The project which is primarily directed through the Pee Dee Extension Research Station in Florence, SC, is researching new and viable vegetable markets. The land grant universities in South Carolina, Georgia, and North Carolina are cooperating in this effort to provide the agriculture community with information on the economic and biological potential of producing and marketing vegetables for greater duration and profit.

This research has provided production possibilities for at least 11 vegetable crops along with appropriate economic analysis. The economic analysis involves market windows, marketing channels, locating packing sheds, cropping combinations, price variables, economics of size, and international trade possibilities.

The bill also provides \$192,000 in preventative research for peaches in South Carolina. Peach tree short life continues to be the single most threatening disease problem for the peach industry in my State. The major factor associated with the disease that cannot be controlled is the ring nematode, which severely affects young trees in sandy soils. A long-range program has begun to identify peach trees and closely related plants with resistance to ring nematodes and have characteristics deemed desirable for rootstocks. This continued funding will allow researchers to develop promising leads for peach tree short life control.

Of great importance to the cotton farmers in my district and State is the funding in this bill for boll weevil eradication and containment. Cotton is making a strong comeback in South Carolina. It is a heartening sight to see new cotton fields stretching across my district. Without continued funding for boll weevil eradication and containment this would have been an exercise in futility for my farmers.

The successful Boll Weevil Eradication Program in South Carolina has permitted growers to reduce the number of spray applications approximately 70 percent below preeradicated levels. These reductions are due not only to total elimination of insecticide applications for weevils, but also to fewer applications for other insects.

These programs, which are cost-shared by growers who pay 70 percent of program costs, are effective area-wide management programs and need to be continued. They have demonstrated the positive results of a program involving coordinated efforts by Federal and State research, APHIS, cooperative extension, industry, State regulatory agencies, and growers. Though these programs are highly beneficial, they do not work if left up to each grower to act independently. Programs are only effective through the support of a na-

tional coordinated effort such as APHIS can provide.

Finally, I would like to reiterate my support for the bill's funding for the Gulf Coast Research Laboratory (GCRL) Consortium's U.S. Marine Shrimp Farming Program, of which South Carolina is a member. South Carolina has a long history of research and development leadership in the field of aquaculture. Just a few years ago, our State significantly increased its investment in aquaculture with the construction and staffing of the Waddell Mariculture Center. The mission of this center is to serve as an aquaculture experiment station for the State and to develop aquaculture as a viable commercial industry here.

Through research and extension activities of the Waddell Center and other institutions, several types of aquaculture appear to have good, near-term potential in South Carolina. One of these is marine shrimp. The Waddell Center began research on intensive pond culture of shrimp just 4 years ago, and already their results are being successfully implemented in the private sector.

Several small shrimp farms are in operation, three or four more will begin operations this year, and others are seeking financing and land. Production has more than doubled, with about 360,000 pounds of shrimp produced from private farms in South Carolina last year.

Of major importance to the Waddell Center's Shrimp Aquaculture Program has been the financial support and scientific exchange provided by the GCRL. This program, through its support of research and demonstration activities at the Waddell Mariculture Center, has been a major reason for the investments in shrimp farming that are occurring in South Carolina.

I believe that the GCRL Consortium Program will result in the establishment of a viable shrimp farming industry in South Carolina and other States, provide an important diversification option for coastal farmers, and help the Nation reduce its tremendous foreign trade deficit in seafood.

Mr. Chairman, this is a sound bill. It's good for my State, and it's good for every sector of the agricultural economy. Funding for agricultural research now will be repaid many times over with a stronger, healthier agricultural economy. Investment in research will mean the difference between a farm economy poised for the future or a farm economy scrambling to catch up with it.

Mr. LEHMAN of California. Mr. Chairman, for some time the industry and the FDA have been in disagreement over the course of action to take regarding Red No. 3. In the past the situation has been for short-term solutions as an answer. What the appropriations bill language does is require the two to come together, perform the long-term test for secondary mechanism, and take action based on the long-term study.

In a meeting with me and several other Members the Commissioner stated that his personal and professional opinion was that there is no negative health threat present from the color as it is now allowed. It is my understanding that the FDA has evidence that suggests that there is a secondary mechanism and that should be fully investigated before the FDA takes action. The fact is that

a 1960 amendment to the Food, Drug and Cosmetic Act, known as the Delaney clause, allows no room for any tolerance no matter how minute, no matter how remote the risk may be. Even though you would have to consume an incredible amount of the color before it has any effect, the Delaney clause prohibits its use unless there is a legitimate study ongoing. If the color is prohibited from use it will be because of a technicality in a 29-year-old law, not scientific evidence.

I must stress that this is not an end run around the FDA, they approve; it's not a protection for the industry, the color will be delisted if the long-term study does not show a secondary mechanism; and it is not an attempt to deceive the public on a matter of public health, the Commissioner of the FDA has stated unequivocally that there is no health threat. The language in the report states that if additional scientific information is made available prior to the completion of the chronic study, the FDA could consider the new information and take action based on it.

Mr. Chairman, there has been some criticism that this avoids the democratic process, but an outright ban of the food color before scientific studies are completed is no less an evasion of the democratic process. The use of scare tactics or gross exaggeration to play on the fears of the public is not the democratic process, it's a travesty.

Mr. RAHALL. Mr. Chairman, I am in strong support for H.R. 2883, the fiscal year 1990 appropriations for rural development, agriculture, and related agencies. This measure funds a variety of worthwhile programs that provide critical assistance to my home State of West Virginia as well as other areas throughout the Nation. Many of West Virginia's needy are dependent on the assistance provided by these programs while we in the State work to solve the economic and social problems brought about by the erosion of the State's industrial base and the resulting rates of high unemployment.

I would like to begin by discussing appropriations contained in H.R. 2883 for the school lunch and child nutrition programs which are of such significant importance to West Virginia. As most of my constituents know, the child nutrition and school lunch and breakfast programs are entitlements. Funds in the amount of \$4.869 billion are transferred this year from customs receipts to cover most of the costs, leaving an appropriation of \$713.3 million necessary in fiscal year 1990. This increase, from \$4.590 billion in fiscal year 1989 in transferred customs receipts, to \$4.869 billion in fiscal year 1990, plus the additional \$713.3 million in appropriations, will amount to an increase of \$992.3 million over last year for child nutrition programs in the United States.

In West Virginia, where 34 percent of children served in our public schools are eligible for free lunches and breakfasts due to an unstable economy and high unemployment rates in many regions, I am gratified that the Federal subsidies for each meal served, paid meals as well as reduced price and free meals, are available to little children who are hungry, and who could not otherwise learn on an empty stomach. In some counties in my district, upward of 82 percent of children in attend-

ance are eligible for free lunch and breakfast. For this reason I am pleased that appropriations will continue to be available to support section 4 of the National School Lunch Program which is the very foundation of the free and reduced price meals for hungry children.

The Special Milk Program which is also vital to the health and well being of low-income children in our schools, is increased from \$19.09 last year to \$20.4 in fiscal year 1990, and again is counted as being of significant importance to alleviating hunger nationwide.

The Special Supplemental Food Program for Women, Infants, and Children, popularly known as WIC, is increased from the fiscal year 1989 level of \$1.9 billion to \$2.126 billion in fiscal year 1990. This program will be able to serve in excess of an additional 300,000 participants in the next year. WIC, which returns \$3 for every \$1 spent on pre- and post-natal care, is a program that enjoys broad bipartisan support in the Congress and in the country at large, and which has proven to be an outstanding success. Nationwide, WIC serves on average about 3.9 million women, infants, and children per month. In my Fourth District in West Virginia, where less than one-half of all those eligible for WIC are currently being served, these additional funds are urgently needed and will be gratefully received.

Food donation programs, for needy families, the elderly, soup kitchens, all have been given modest increases in fiscal year 1990, which programs will continue to help alleviate, if not eliminate, hunger in the United States. There are \$120 million appropriated to purchase commodities for the critical use of families with temporary emergency food assistance needs [TEFAP], and in addition there are \$50 million provided to States to support their statewide commodity storage and delivery systems to ensure that these families and individuals will receive donated foods.

Food stamp appropriations are set at \$14.2 billion in fiscal year 1990, an increase of \$377 million over last year, and \$112 million more than the administration requested.

H.R. 2883 appropriates \$9.1 billion for the Farmers Home Administration which is responsible for this country's rural development programs, including housing, water and sewer grants and loans. Within the Rural Housing Insurance Fund, which makes rural housing loans used to construct, improve, repair or replace modest homes, the bill provides for insured loans totaling \$1.9 billion. This is \$100 million more than allowed for in fiscal year 1989. Funds are also included for numerous other FmHA rural housing programs, including \$300 million in rental assistance to reduce the rents paid by low-income persons and \$57,000 for rural housing site development loans.

Another program funded in this measure is the Rural Development Insurance Fund. The bill provides substantially more funding than the administration's apparent request for both loans and grants for rural water and sewer facilities. Included is \$370 million in direct loans, \$75 million in guaranteed loans, and \$209 million for grants. The fund also grants rural industrial development loans for the purpose of improving, developing or financing business, industry, and employment or improving the

economic and environmental climate in rural areas. Such loans are much needed in West Virginia as we in the State activity seek to expand our industrial and economic base and solve our unemployment problem.

H.R. 2883 appropriates \$733 million for the Soil Conservation Service which is an indispensable program in West Virginia. The SCC works with conservation districts, watershed groups and Federal and State agencies whose job is to conserve soil and water resources and reduce damage by floods and sedimentation.

In closing, Mr. Chairman, I urge my colleague to support this measure which allocates funds for programs of such great importance to many throughout this Nation, especially in America's rural areas.

Mr. GOODLING. Mr. Chairman, I rise in support of the bill, H.R. 2883, providing appropriations for rural development, agriculture, and related agencies for fiscal year 1990.

In particular, I want to commend and thank Chairman WHITTEN and the subcommittee's ranking minority member, Mrs. SMITH, for their strong support of Federal nutrition programs for our Nation's children and elderly.

I was especially pleased with the bill's recommendations for child nutrition appropriations, inasmuch as they left me with the thought that others share my belief that our child nutrition programs are and must be viewed as an integral part of the daily educational experience. I am further persuaded and very pleased that the House Appropriations Committee agrees with me that from the point of view of what makes good health policy and good education policy, it makes good public policy sense to provide at least current services funding levels for our child nutrition programs.

Consider that the funding recommended for just one of these programs, the Summer Food Service Program, will make it possible to serve approximately 86 million meals to about 1.7 million children during this summer's peak month.

I was also gratified to find that the Appropriations Committee was responsive to the concerns I had shared with it regarding the Department of Agriculture's Federal Review System [FRS] Program. The multiple audit requirements and paperwork FRS was in the process of generating triggered a strong reaction among State and local school food service personnel. The committee's instruction that future FRS audits are to be carried out in conjunction with State and local reviews as part of their annual management evaluations should go a long way to resolving the concerns State and local food service professionals had brought to my attention.

To close, I would only add that through this bill, the Appropriations Committee has taken a large and well-directed step toward resolving the Nation's hunger and nutrition problems.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in strong support of the fiscal year 1990 rural development, agriculture, and related agencies appropriations bill. The chairman of the committee, the distinguished gentleman from Mississippi, has for the second year running included language in the report accompanying this bill which is directed at the Farmers Home Administration and concerns colonias.

Last year, the report accompanying Public Law 100-460 requested that Farmers Home review its regulations regarding priority applicants for water and wastewater construction grants and noted the expectation that the agency would amend those regulations to ensure that those colonias located along the United States-Mexico border which were not "truly rural" would be eligible for these grants with the same status as those areas of the country which are truly rural.

The Farmers Home Administration has not yet amended the regulations so as to make eligible those colonias which are located near or just outside urban areas. The report language accompanying this year's bill reiterates the committee's endorsement of a regulatory change and reiterates the expectation that such grants will be made in the coming fiscal year. It also includes a definition of colonias, one which should clarify the committee's understanding that these are areas characterized by acute poverty and which meet a number of objective criteria, among them a lack of potable water and access to sewage collection systems.

This provision cannot be considered controversial. The colonias along our southwestern border with Mexico need and deserve the attention of the Farmers Home Administration and of the Congress. I again commend our distinguished chairman for his recognition of these tragic conditions and urge support for this bill.

Mr. AUCOIN. Mr. Chairman, I strongly support this bill. Once again Chairman WHITTEN has reported an excellent, well-crafted appropriations bill.

In particular, I'm proud that the chairman and his subcommittee responded to my request and those of others to significantly increase the Special Supplemental Food Program for Women, Infants, and Children. This bill provides an increase of \$118 million above inflation for the WIC Program next year. The largest increase in WIC in 5 years: The increase will mean we can reach over 200,000 additional infants and children and low-income pregnant women with desperately needed nutritional services.

This country has a widespread and persistent hunger problem that is disproportionately affecting our children. One out of every five children in America is poor today. The Physicians Task Force on Hunger in America found that malnutrition affects almost 500,000 American children. Requests for emergency food assistance increased in 1987 by an average of 18 percent. The mayors' study, published in December 1987, also found that 25 of the 26 cities reported a substantial rise in the number of families with children requesting assistance. It is shocking that the United States, the richest country in the world, is ranked 13th in infant mortality rates behind such countries as Spain, Ireland, Japan, Germany, and France.

I am now a member of the Domestic Hunger Task Force of the House Select Committee on Hunger and know the important impact the WIC Program has had in reducing infant mortality, preventing low birthweight, and alleviating other conditions that threaten the health of America's children.

In my own State of Oregon, only 55 percent of those eligible are able to participate in this

program. That means that almost 40,000 eligible needy pregnant women and children in Oregon alone are going without proper nutrition during their most vulnerable days. This appropriations bill will help change that.

Numerous studies document the long-term savings associated with investing in WIC's prenatal services. Let me quote from one of those reports issued by former Presidents Gerald Ford and Jimmy Carter:

There is no easy answer to the problem of ingrained poverty. But early intervention is the best opportunity to break the cycle of poverty. There is solid evidence that Federal programs such as * * * WIC * * * offer(s) one of the best investments the country can make in its own people.

The increase in WIC funding as provided in this bill is a sound investment. Once again, the chairman has demonstrated his leadership on this issue and I want to thank him for that. I also want to thank him for working with those of us deeply concerned with expanding WIC.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 2883 to compliment the Appropriations Committee, the Subcommittee on Rural Development, Agriculture, and Related Agencies, its chairman, Mr. WHITTEN, and its ranking member, Mrs. SMITH, for the work they have done in bringing this fiscal year 1990 appropriations bill to the floor. I know the difficult decisions which faced the subcommittee and I thank them for their efforts.

Contained in this bill is a new effort on water quality, which the subcommittee has funded in the research and extension portions of the bill. This effort is long overdue and has been the subject of numerous hearings in the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture, which I chair. I wish that some of the other functions could have been fully funded, notably the effort in the Economic Research Service to compile a pesticide use data base, and I will continue to encourage full funding for these efforts in the future.

I hope that a significant portion of the water quality effort can be directed at finding alternative methods of pest control. Producers and consumers alike are concerned about agricultural chemicals on their food and in their water. Reducing agricultural chemical use, controlling waste from animal agriculture operations, and finding safer alternatives should be the focus of our efforts. Our subcommittee held a hearing on the water quality initiative and hope that as time goes on the specific details of the Department of Agriculture's [USDA] plans will become available for us to better judge the direction of the program in future years.

As I stated in my letter to the subcommittee, and as I mentioned in my testimony before the subcommittee, we are going to see a number of forces which will limit the use and availability of current agricultural chemicals. The reregistration program at the Environmental Protection Agency [EPA], state regulatory actions, and decisions on individual chemicals will begin to remove some of our currently registered pesticides. We will need to find ways of reducing the use of these chemicals and will need to find alternatives. Meeting these pressures and meeting the water quality

goals are very compatible and should run in concert.

While we are on the subject of research and extension, I want to make a few other observations. I am pleased that during these difficult times, the subcommittee has been able to find funding for needed increases for these functions. As usual, I would have preferred that funding for the competitive research grants be at the Department's recommended level, but I am pleased that we have been able to fund a modest increase. As we approach consideration of the 1990 farm bill, we will examine the research program funding issue in more detail and I look forward to working with the Appropriations Committee during this process.

I am pleased that the subcommittee has undertaken a review of the need for international trade and development centers. This program has resulted in an increased number of funding requests and we need to take a careful look at where we are headed, given our finite resources, before we continue to fund these efforts. I make note of the fact that the same issue should be raised about funding for biotechnology research centers, for which the funding requests have also expanded greatly. I do not feel that in these tough budgetary times it makes good sense to proceed without a strategic plan for the development of these centers. Nor does it make good scientific sense to fund these efforts in isolation of each other.

I am pleased that the Animal and Plant Health Inspection Service funding was increased. These vital functions are the frontline of defense of American agriculture against plant and animal pests in diseases. I am also pleased that the animal welfare functions, a small but politically important part of APHIS, is scheduled for an increase.

In the conservation area, I feel that the subcommittee has done a good job in restoring a number of vital programs. I hope that as water quality issues increase in importance and as we start into the 1990 farm bill that we can work with the Appropriations Committees to work these water quality goals into our conservation programs. I note and appreciate the increase in the Colorado River Salinity Control Program which is so important to folks in my part of the country.

I want to compliment the subcommittee for stressing the importance of food safety in the funding proposal for the Food and Drug Administration [FDA]. This issue is at the top of consumer concerns and is putting a great deal of pressure on us to respond. Increased monitoring of food, improved detection methodologies, better residue data bases, and a host of other programs are needed and the subcommittee has noted these needs in the proposed increase in FDA funding for the food safety function.

Finally, I thank the subcommittee for finding funding for the planned relocation of the U.S. Salinity Laboratory at Riverside, CA. I will be working with the subcommittee in the future to secure the needed construction funding for this vital USDA research facility. I also acknowledge the effort of the subcommittee to fund the documentary film of American food and agriculture, an education effort needed

more than ever given the food crises of recent months.

Again, I thank the subcommittee and its leadership for the effort they have put forth in this bill, and urge the Members to support it.

Mr. EMERSON. Mr. Chairman, I rise today to give my strong support to H.R. 2883, the rural development, agriculture, and related agencies appropriations bill for fiscal year 1990.

This measure represents what has been a long and deliberative process. It is fair to say that those of us who have been involved in shaping this legislation, have worked hard to send an appropriations bill to the floor that meets many of today's agricultural needs, but yet reflects much needed fiscal responsibility. This legislation represents many difficult budget decisions that continues to prove agriculture is willing to pull its fair share of the budget reduction load.

I am also pleased to note a particular item within this appropriations measure that continues to benefit agricultural producers across the Nation. For several years now, research on the soybean cyst nematode problem has been conducted in my district at the Delta Area Agricultural Research Center in Portageville, MO. This facility is ideally suited to conducting this research, given its extensive past work on the problem and the fact that many farmers in the country continue to face a serious soybean cyst nematode problem.

It is my hope that this body will do as in the past and approve this research as part of the appropriations package. By doing so, I believe we will be saving a number of farmers from financial ruin in the long run, thus saving the Federal Government many times the \$285,000 we will spend on soybean cyst nematode research this year.

Likewise, there are many other fine projects and research efforts contained in this bill and I urge my colleagues to show their support for these endeavors by giving favorable approval to this appropriations measure.

Mr. SHUMWAY. Mr. Chairman, I rise to support the committee report language to H.R. 2883 as it relates to the scientific investigation of FD&C Red No. 3. This color has become an essential component of a number of products.

The report provides, in essence, that the FDA and industry will perform a collaborative long-term study of the possible health impacts of FD&C Red No. 3. FDA will lend its scientific expertise particularly in protocol development, while the industry funds the study. FDA would await the results of this study prior to finalizing action regarding the permanently or provisionally approved uses of the color. Noted scientists such as Dr. Louis Braverman and Dr. Sorell Schwartz from the University of Massachusetts and Georgetown University, respectively, have indicated that this study would be relevant to addressing any outstanding questions concerning FD&C Red No. 3. Particularly in view of the fact that FDA had indicated that there is not a health concern associated with this color, adequate time should be devoted toward developing additional data confirming the safety of the color. The report language accomplishes this result.

Mr. GLICKMAN. Mr. Chairman, I rise in support of H.R. 2883, the bill to appropriate funds

for fiscal year 1990 for rural development, agriculture, and related agencies. Juggling priorities, meeting national needs, and still staying within the budget is never an easy task. I believe the committee, the subcommittee, and especially its chairman, Mr. WHITTEN, should be commended for meeting those, often conflicting, goals and for bringing an important appropriations bill to the floor in a timely fashion.

Mr. Chairman, the devastating drought of 1988 is still with us. Although parts of the Nation have been fortunate enough in recent weeks to receive rain, the damage done from last year is with us still. For example, in my own State, the wheat harvest this year, in spite of an increase in the number of acres planted in 1989 from 1988, is going to be half of what it was last year. The situation is the same in many other areas, and may worsen.

This House has responded with compassion to bring relief to those farmers by extending last year's disaster legislation for one more year. It is my hope that before we go home for the August break, the Senate will act likewise and a bill will be before the President for his signature.

In spite of the marvelous advances made in recent years in agricultural science and technologies, last year's drought, and its continuation into this year show all too vividly how much our farmers, the world's most productive farmers, depend still on the vagaries of the weather to meet our food needs. Making sure our farmers have the most modern, the leading edge of science, is growing more critical all the time to make sure the United States maintains its abundant, diverse, and affordable supply of food and can meet growing world demand for food.

In a modest building on the campus of Kansas State University, the battle to meet this challenge is being waged, and will be won with our support. The Wheat Genetics Resources Center is one of the world's preeminent centers of research into the development of new wheat varieties. Researchers there have collected specimens of wheat germplasm, the very genetic building blocks of the staff of life, from throughout the world for use in breeding wheat varieties resistant to disease, adverse weather, such as drought, as well as man made threats.

It is from this collection of wheat germplasm that researchers from academia and the private sector throughout the world are working to produce the wheats that will be milled into the bread flour, crackers, and pasta to feed us and our children in the future. This legislation makes a modest investment in that modest, yet extraordinary, facility. The \$100,000 for the Wheat Genetics Resources Center will enable its research to continue for another year, to produce results we all will realize for many years to come.

I commend the committee for this action and urge my colleagues' support of this critical legislation.

Mr. HOCHBRUECKNER. Mr. Chairman, I rise to express my strong support for H.R. 2883, the rural development, agriculture, and related agencies appropriation bill for fiscal year 1990.

There is one particular provision included in H.R. 2883 that is extremely important to my

constituents. That is the continuation of the Golden Nematode Program under the Animal and Plant Health Inspection Service [APHIS].

APHIS has for years now been routinely inspecting potatoes and other agricultural products in Suffolk County, NY, to check for infestation by the golden nematode disease. This disease is restricted to New York, and it has been successfully contained due to the work of APHIS inspectors.

If the Golden Nematode Program were not in place, the inspection of Long Island potatoes and other commodities by qualified Federal officials would cease. Were this to occur, other States and foreign nations would lose all confidence in Long Island agricultural products and likely impose embargoes on Long Island produce. This would result in a crippling of the farm industry in my district.

Farming is a vital industry on eastern Long Island. Suffolk County is the leading agricultural county in New York State based on the wholesale value of its farm products. Preserving APHIS funding for the inspection of local produce is a very important issue for Long Island farmers. H.R. 2883 provides the necessary funding for this program.

I greatly appreciate the advocacy of my concerns by my friend and colleague Mr. McHUGH, a member of the Agricultural Appropriations Subcommittee. I am also delighted by the responsiveness of the able chairman of the Agriculture Appropriations Subcommittee, Mr. WHITTEN, and the cooperation of the distinguished ranking minority member, Mrs. SMITH.

Mr. Chairman, I applaud H.R. 2788 and ask that my colleagues vote in favor of this important legislation.

Mr. WYDEN. Mr. Chairman, today, the House of Representatives took a positive action in solving our Nation's hunger crisis. By approving the Domestic Food Program provisions in the agriculture appropriations bill, we are helping to provide thousands of needy families find some relief from hunger.

In my State of Oregon, 480,000 people—over 17 percent of the population—sought help from community food assistance programs last year. These people, most of them families with children, received emergency food boxes consisting of plain, but nutritious foods.

Most of the food that filled these emergency food boxes came from Federal commodities programs, corporate donations, and community food drives. The sad fact is that the Federal and corporate nutrition resources are now in short supply—but more and more people are needing this kind of help.

The Oregon Food Bank gave away 20 million pounds of food last year, and Federal commodities accounted for nearly one-quarter of that amount. Now, with these commodities drying up, food banks are hard put to try to find alternatives.

This is not the time to eliminate funding for Federal cost sharing for the food transportation and storage provided for under the Temporary Emergency Food Assistance Act, as the kinder, gentler administration has proposed. The small investment of \$50 million will continue to pay big dividends in our Nation's hunger relief effort.

We can't forget that there's much more to be done to eliminate hunger, but we can all sleep a little better, knowing that needy families will have eaten a little better as a result of our efforts to keep this program alive.

Mr. GEJDENSON. Mr. Chairman, I rise today in support of H.R. 2883, the fiscal year 1990 rural development, agriculture, and related agencies appropriations legislation. I would like to commend the chairman of the committee, Mr. WHITTEN, the ranking member of the committee, Mr. CONTE, and the other members of the Appropriations Committee for their work on this important piece of legislation.

I would especially like to applaud the committee for its inclusion of two specific provisions in the bill.

First, Mr. Chairman, the committee included \$420,000 in funding under the 1990 Cooperative State Research Special Grant Program for the Food Marketing Policy Center which is based at the University of Connecticut in Storrs, CT. This level of funding is critical to the success of the policy center, which serves as the core research group for the national food and agriculture marketing research effort that involves 18 universities, the USDA, FDA, EPA, and the GAO.

I am pleased that the committee has recognized the Food Marketing Policy Center as the national leader in the effort to provide a safer and more efficient food distribution system in the United States. Increased funding in fiscal year 1990 will allow the center to continue to improve the safety of food to consumers, and help to find ways to increase the level of consumer confidence about the foods produced in this country, which has become an increasingly important issue in recent months.

Second, I would like to commend the committee for continuing to fund the farmers' market demonstration projects started in fiscal year 1989. In the 100th Congress, I introduced legislation with Congressmen LELAND and ATKINS to establish a demonstration program to provide mothers in the Women, Infants, and Children [WIC] Program with coupons to be redeemed for fresh fruits and vegetables at authorized farmers markets in addition to receiving vouchers to use at grocery stores to buy milk, cheese, cereal, eggs, juice, and infant formula.

After passage of the fiscal year 1989 appropriations in the 100th Congress, the USDA was appropriated \$2 million for distribution to 10 qualified States to begin a WIC-Farmers Market Program. One of the successful applicants for this program is my home State of Connecticut. Three years ago, the Hartford food system began distributing coupons in the Hartford area for WIC recipients. Because of the enormous success of the program, I introduced legislation to expand it nationwide. Now the Connecticut program has gone statewide and has been distributing coupons to more than 30,000 WIC recipients across the State.

Mr. Chairman, there are only winners with this program. First, not only does it provide fresh fruits and vegetables to WIC recipients, who may not otherwise buy them, but the program also increases the availability of low-cost fresh fruit in low-income areas by encouraging the development of farmers markets. Second, the program helps small farmers through their increased sales at farmers markets. Most im-

portantly, this program improves the nutrition of low-income mothers and children by supplementing the WIC-purchased items with fresh produce.

The Farmers Market Demonstration Program is one example where the Federal Government, in cooperation with the States, local governments, and private groups, is taking constructive action to improve the health and nutrition of low-income families. This partnership is a very positive step in bringing those who need together with the farmers who have.

Again, Mr. Chairman, I applaud the committee for its inclusion of funding for these two innovative but common sense programs, one to ensure the safety of our food supply and the other to improve the access of healthy foods to people who may not otherwise have it.

Mr. SCHUETTE. Mr. Chairman, I rise in support of this bill that will provide some much-needed support for efforts to diversify the agricultural economy by encouraging the planting of specified industrial and oilseed crops.

Industrial products derived from agricultural commodities hold great promise for strengthening the farm economy, reducing the need for petroleum imports, and improving the balance of trade.

Allowing producers of program crops to use part of their permitted acreage to raise specific new crops such as milkweed, kenaf and crambe is a sensible way to help reduce costs to the Federal Government while aiding research efforts that could yield valuable dividends for the Nation as a whole. Since the permitted crops are spelled out in the bill, producers of established nonprogram crops, such as dry edible beans, will not be faced with the problem of new competition from growers who normally raise program crops.

Mr. SCHUETTE. Mr. Chairman, I rise in support of this bill providing appropriations for agriculture and rural development programs for fiscal year 1990.

People sometimes don't realize that a large portion of the Agriculture Department's budget is devoted to food and nutrition programs. This bill contains funding for school lunch programs, food stamps, temporary food assistance programs, and other child nutrition programs.

One very important program funded by this bill is the Women, Infants, and Children Program, better known as WIC. WIC has gained the support of Members of Congress and of the public for its cost-efficient use of taxpayer money which has resulted in healthier babies and reduced long-term medical and educational costs. The bill we are passing today increases the WIC appropriation for the next fiscal year by \$200 million. This increase in funding will do a world of good for the hundreds of expectant women, infants, and young children whose health will be improved by the nutritious foods provided by WIC.

Mr. ANTHONY. Mr. Chairman, I applaud action by the Appropriations Committee to recognize the serious dilemma facing today's farmers and generations of Americans to come in the area of water quality and conservation. Questions of long-term environmental damage from groundwater depletion and sur-

face water contamination have become, as they should be, top priorities of national debate.

The front page of last week's Delta Farm Press, a farm magazine published in Mississippi and serving the Midsouth area, carried the headline "Aquifer Recharge Is Lagging." Similar stories are becoming all too common in areas reliant on groundwater resources for economic and community purposes.

In southeast Arkansas, groundwater resources are subject to a combination of groundwater depletion and contamination. Due to hydrological forces related to groundwater usage, salt contamination is destroying the quality of remaining water resources and, for those farmers who must rely on groundwater for irrigation, salt contamination to the surface is causing long-term damage to the productivity of the soil.

I have been working with Chicot County farmers to develop strategies to reverse these dangerous trends. The provisions in this bill which call for additional funding for agricultural conservation programs are highly complementary of the efforts made in Arkansas to curtail use of groundwater for agriculture and to rely on surface water which can be diverted from streams during periods of high flow and stored in on-farm reservoirs.

I think, Mr. Chairman, you will agree that the direction given by the committee in reference to ACP funding increases is in line with the type of solution my constituents are trying to achieve. Use of proper water management techniques will not only help reverse groundwater contamination and depletion, they will also have the benefit of reducing runoff of sedimentation and contaminants which form a major part of this country's non-point source pollution problem.

I assume, Mr. Chairman, that the funding increase in this bill for ACP includes both cost-share for project construction as well as technical assistance from the Soil Conservation Service.

Again, Mr. Chairman, I thank you and the committee for providing needed assistance to rural America so that together we can properly address water issues with rational solutions and not wait until the short-term dictates of emotion take control.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the agriculture appropriations bill for fiscal year 1990 and would like to commend the fine work of Chairman WHITTEN and his committee for offer-

ing the House such a responsible and fair measure.

The committee recommends maintaining or increasing funding levels for critical programs upon which rural America depends. Throughout this decade, rural America has experienced a roller coaster ride of numerous economic spills with few of the thrills—a plight common to many victims of Reagan administration actions.

We in Congress must maintain our commitment to rural programs. This appropriations bill does just that. In my rural State of West Virginia there is a critical need for programs that provide grants and loans for water and sewer systems. These programs are essential for the economic revitalization of small rural communities. Indeed, many potential businesses are lost to more urban areas because of inadequate water and sewer facilities. By recognizing the importance of these programs to the vitality of rural communities, the committee bill will help to combat the loss of economic development in rural areas.

Chief among West Virginia's soil conservation line of action is the Agricultural Program. The State's steep topography and its high level of rainfall contribute to the large participation rate in this program. The committee found that the ACP yields the greatest conservation benefits of all conservation programs and therefore committed increased funding for this cost-efficient program.

Of critical concern to the future health of this Nation's population is the nutritional status of every American. The committee provided us with a responsible measure by maintaining or increasing our commitment to the domestic food programs. One of these programs, the Special Supplemental Food Program for Women, Infants, and Children or WIC, is noted for its effectiveness. This program currently reaches only half of those eligible. By expanding the number of participants, the committee does much to ensure the health and competitiveness of the Nation's future work force.

Other nutrition programs to which funds are maintained or increased are food stamps, child nutrition, and the Temporary Emergency Food Assistance Program or TEFAP. All of these combine to constitute our national line of defense against nutritional deficiency.

I urge my colleagues to support the committee bill. It is a fair and balanced response to the needs of rural America—that area which covers 84 percent of the total land in this country—and to the residents of urban areas who rely on the substantial non-farm programs contained in this bill.

Mr. ESPY. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, I rise in support of H.R. 2883, the Agriculture Appropria-

tions bill for fiscal year 1990. This bill includes funding for the entire Department of Agriculture, with the exception of the Forest Service, which is funded in another bill. This appropriation bill provides funding for production, processing, and marketing activities within USDA. It also provides funds for farm price supports and farm export programs. Three million dollars is included for State mediation grants; increased funding for direct and guaranteed farm ownership and farm operating loans; and for emergency disaster loans, the bill provides \$600 million, the maximum amount authorized by the Food and Security Act of 1985. Many farmers in my district will qualify for these low interest loans.

This bill increases funding for watershed and flood prevention projects, which is desperately needed. Over 300 lives have been lost and over 51 million acres of land inundated by floods during 1983 and 1984, despite Federal projects during these same years to prevent such damages. Studies show that almost 6 million acres of farmland within the lower Mississippi Valley were flooded in 1984. Another 6.7 million acres in this same area were flooded during the next 3 years.

Public Law 98-8 addressed the need for flood control and conservation work caused by hurricanes and rains which covered much of the United States, including the lower Mississippi Valley, which drains over 40 percent of this Nation's water. Legislation since then has directed the continuation of this program.

This bill is the primary source of funding for Federal assistance to rural areas, which, as stated in the bill, covers 84 percent of the entire land areas of the Nation.

In addition, this bill includes funds for the food programs. Approximately one-half of the total funds included in this appropriation bill are for these nonfarm programs, including food stamps, school lunches, and WIC Programs.

As chairman of the Domestic Hunger Task Force of the House Select Committee on Hunger, I am acutely aware of the critical impact WIC has in improving the nutrition and health status of low income pregnant women, infants and children. Research evidence also suggests that WIC may improve children's cognitive skills. Numerous studies have documented this tremendous track record.

Currently, participation in WIC is limited to just over 50 percent of those eligible due to funding constraints. There is a strong bipartisan consensus that expanding WIC to reach more of those eligible is one of the most effective investments of limited Federal resources. A number of recent reports from corporate and education leaders,

Governors, and others have recommended an expansion for WIC.

This bill provides an increase of approximately \$200 million over current funding levels, roughly \$120 million more than the current services level for fiscal year 1990. As a result of this bill, thousands of additional poor pregnant women, infants, and children will receive WIC's critical nutritional benefits.

Mr. Chairman, I want to express my appreciation to the chairman of the committee and my colleague from Mississippi for his continued support in funding these much needed agriculture programs and for his leadership in expanding WIC and providing a substantial, and needed, increase for this very valuable program. I urge my colleagues to vote in favor of this bill.

Mr. LANCASTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 2883, and commend the committee for once again providing a balanced bill that would meet the needs of our Nation's farmers and ranchers for fiscal year 1990. The spending that is required under the bill is equal to the committee's 302 (b) subdivision in both budget authority and outlays for the Subcommittee on Rural Development, Agriculture and Related Agencies. It is therefore consistent with the 1990 budget resolution and the bipartisan budget agreement.

Mr. Chairman, I appreciate the committee's inclusion of language in its report that will bolster the postharvest research being conducted on sweet potatoes at North Carolina State University in Raleigh, NC. Presently, the Agricultural Research Service supports its research in a very small way each year. Any increase in this funding will surely strengthen the important work now being conducted in this important area.

I must tell my colleagues from urban areas that while its easy to make fun of agricultural research, this is a very serious business. Consumers want and need improved food products that are higher in nutrition and lower in calories and fat. Farmers and processors need new markets and improved products for these markets. The United States is one of the best fed Nations, at the least cost per dollar of disposable income, in the world. This fact is primarily due to the historical commitment of Congress to agricultural research.

Mr. Chairman, the sweet potato is one of our most nutritious vegetables, yet per capita consumption has declined from 35 pounds in 1935 to about 5 pounds today. A major reason for this decline in consumption is that the processing industry has not developed innovative products to meet changing consumer preferences. Researchers have targeted texture control as being a key to unlocking a vast potential

market for sweet potato products. Fundamental research is needed on composition and biochemical factors controlling the texture of sweet potato products, which could lead to new markets for this widely grown farm commodity. With the proper support, the Agricultural Research Service's work at North Carolina State University will yield beneficial results for farmers, processors and the American consumer.

Again, I thank the committee for recognizing this important need, and calling attention to the need for increased Federal support for research on sweet potatoes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$50,000 for employment under 5 U.S.C. 3109, \$1,789,000: *Provided*, That not to exceed \$8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

FARM AND EXPORT PROGRAMS

For development of a plan by the Secretary for returning the use of the Commodity Credit Corporation to its primary function which was to buy and sell competitively to enable the farmer to offset high American costs and to maintain his fair share of world markets; and to restore the use of section 32 (30 per centum of customs receipts) as authorized by law, the use of which is presently suspended, to enable the farmer to secure his income from the user of his products rather than the U.S. Treasury and to enable the American farmer to regain and retain, by competitive sales, our normal share of world markets, \$500,000.

COMPILATION OF METHODS USED BY FOREIGN COUNTRIES TO PROTECT THEIR DOMESTIC AGRICULTURE

To enable the Secretary of Agriculture to investigate and compile a listing of the laws and practices used by foreign countries to protect their domestic agriculture from foreign competition and to expand their foreign markets in order to assist the Department in regaining and retaining our fair share of world markets, \$500,000.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$397,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$4,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration

to carry out the programs funded in this Act, \$467,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, \$49,467,000, of which \$3,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, \$23,033,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, \$1,494,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, except for expenses of the Commodity Credit Corporation, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, \$20,000,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, \$22,020,000 and in addition, for payment of the USDA share of the National Communications System, \$2,000; making a total of \$22,022,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for

employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

WORKING CAPITAL FUND

An amount of \$3,750,000 is hereby appropriated to the Departmental Working Capital Fund to increase the Government's equity in this fund and to provide for the purchase of automated data processing, data communication, and other related equipment necessary for the provision of Departmental centralized services to the agencies.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental and Public Affairs to carry out the programs funded in this Act, \$414,000.

PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, \$7,964,000 including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000, may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

CONGRESSIONAL RELATIONS

For necessary expenses for liaison with the Congress on legislative matters, \$497,000.

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, \$479,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), \$51,576,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed \$95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$21,316,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to

carry out the programs funded in this Act, \$454,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, \$50,489,000; of which \$500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,901,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$1,936,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science

and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, \$438,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, \$589,500,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of \$400 annually: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed \$250,000, except for headhouses or greenhouses which shall each be limited to \$750,000, and except for ten buildings to be constructed or improved at a cost not to exceed \$400,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or \$250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Weslaco, Texas; and Kimberly, Idaho: *Provided further*, That not to exceed \$190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, \$2,000,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultur-

al research programs of the Department of Agriculture, where not otherwise provided, \$5,390,000: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds recovered in satisfaction of judgment at the Plum Island Animal Disease Center shall be available and augment funds appropriated in a prior fiscal year for construction at Plum Island Animal Disease Center and be used for construction necessary to consolidate research and operations at the Center and for renovation of the Beltsville Agricultural Research Center.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$158,545,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$12,975,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582-a7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$25,333,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges including Tuskegee University; \$47,835,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 4501); \$40,416,000 for competitive research grants including administrative expenses; \$5,476,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; \$200,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); \$1,168,000 for grants for research and construction of facilities to conduct research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178); and section 1472 of the Food and Agricultural Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; \$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; \$5,754,000 for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)); \$3,750,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; \$2,000,000 for grants to States for the operation of international trade development centers, as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3292); \$4,450,000 for low-input agriculture as au-

thorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 4701-4710); and \$11,248,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; in all, \$319,625,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, \$22,960,000.

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$246,594,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,635,000; payments for the urban gardening program under section 3(d) of the Act, \$3,500,000; payments for the pest management program under section 3(d) of the Act, \$7,164,000; payments for the farm safety program under section 3(d) of the Act, \$970,000; payments for the pesticide impact assessment program under section 3(d) of the Act, \$2,580,000; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99-198, \$9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$950,000; payments for extension work under section 209(c) of Public Law 93-471, \$953,000; payments for a groundwater quality program under section 3(d) of the Act, \$4,000,000; payments for a financial management assistance program under section 3(d) of the Act, \$1,427,000; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100-219, \$3,350,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, \$22,000,000; in all, \$361,631,000, of which not less than \$79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-

349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$7,319,000, of which not less than \$2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, \$14,448,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$675,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service (including Office of Transportation) and Packers and Stockyards Administration, \$427,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$342,146,000, of which \$4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That \$1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Animal and Plant Health Inspection Service shall not be in excess of \$400 annually: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be avail-

able only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$15,172,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, \$422,799,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$8,185,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$36,856,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and

for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), \$4,714,000; of which \$99,000 shall be available for a field office in Hawaii: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$15,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$70,000 for employment under 5 U.S.C. 3109, \$33,187,000; of which not less than \$1,623,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$37,962,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$8,007,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$942,000.

OFFICE OF TRANSPORTATION

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$2,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$9,562,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, \$419,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); and laws pertaining to the Commodity Credit Corporation, not to exceed \$632,588,000, to be derived by transfer from the Commodity Credit Corporation fund: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

DAIRY INDEMNITY PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$5,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursement.

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), \$225,626,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, \$162,939,000, of which \$28,862,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commission and loss adjustment obligations incurred during prior years, but not previously reimbursed, as provided for under the provisions of section 516(a) of the Act.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1990, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$4,800,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)), but not to exceed

\$4,233,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during fiscal years 1988 and 1989 in the amount of \$1,969,000,000 in connection with carrying out the Export Enhancement Program (EEP), \$264,000,000 to restore losses incurred in connection with carrying out the Targeted Export Assistance Program (TEA), and \$2,000,000,000 to restore losses in connection with carrying out the Federal Crop Insurance Program.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1125(b) of the Food Security Act of 1985 (Public Law 99-198).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1131(3)(B) of the Food Security Act of 1985 (Public Law 99-198).

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed \$7,415,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager, of which up to \$4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, \$424,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

From funds in the Rural Housing Insurance Fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, \$1,944,990,000, of which not less than \$1,894,420,000 shall be for subsidized interest loans to low-income borrowers, as determined by the Secretary, and for subsequent loans to existing borrowers or to purchasers under assumption agreements or credit sales, and for loans to finance sales or transfers to nonprofit organizations or public agencies of not more than 5,000 rental units related to prepayment; and not to exceed \$10,000,000 to enter into collection and servicing contracts pursuant to the provisions of section 3(f)(3) of the Federal Claims Act of 1966 (31 U.S.C. 3718).

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, total new obligations shall not exceed \$300,310,000, to be added to and merged with the authority provided for this purpose in prior fiscal years: *Provided*, That of this amount not less than \$124,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than \$5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That \$170,310,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1990 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1986, 1987, 1988 and 1989, may also be extended beyond five years to fully utilize amounts obligated.

For an additional amount to reimburse the Rural Housing Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487(e), and 1490a(c)), including \$1,317,000 as authorized by section 521(c) of the Act, also including not to exceed \$5,000,000 for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act; \$2,677,897,000. For an additional amount as authorized by section 521(c) of the Act, such sums as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), \$500,000 shall be available from funds in the Self-Help Housing Land Development Fund.

AGRICULTURAL CREDIT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$569,000,000, of which \$474,000,000 shall be guaranteed loans; \$14,000,000 for water development, use, and conservation loans, of which \$3,000,000 shall be guaranteed loans; operating loans, \$3,523,000,000, of which \$2,600,000,000 shall be guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,000,000; for emergency insured and guaranteed loans, \$600,000,000 to meet the needs resulting from natural disasters; and for matching grants authorized by section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), \$3,000,000.

For an additional amount to reimburse the Agricultural Credit Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$4,259,000,000.

RURAL DEVELOPMENT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661-664, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, \$445,380,000, of which \$75,000,000 shall be for guaranteed loans; guaranteed industrial development loans, \$95,700,000; and community facility loans, \$119,700,000, of which \$24,000,000 shall be for guaranteed loans.

For an additional amount to reimburse the Rural Development Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$1,474,499,000.

RURAL DEVELOPMENT LOAN FUND

For direct loans to intermediary borrowers, \$14,000,000, as authorized under the Rural Development Loan Fund (42 U.S.C. 9812(a)), to be available from funds in the Rural Development Loan Fund, \$2,000,000 and from funds appropriated to this account, \$12,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), \$209,395,000, to remain available until expended, pursuant to section 306(d) of the above Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, \$12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$12,500,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$9,500,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), \$3,091,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, \$500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), \$19,140,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310(B)(c) (7 U.S.C. 1932) to any qualified public or private nonprofit organization, \$6,500,000: *Provided*, That \$500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, \$600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, \$422,934,000, together with not more than \$3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(a) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed \$1,000,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed \$500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$3,068,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit

rider program to provide technical assistance for rural water systems: *Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than \$622,050,000 nor more than \$933,075,000; and rural telephone loans, not less than \$239,250,000 nor more than \$311,025,000; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1989 total commitments to guarantee loans pursuant to section 306 shall be not less than \$933,075,000 nor more than \$2,100,615,000 of contingent liability for total loan principal: *Provided further*, That as a condition of approval of insured electric loans during fiscal year 1990, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: *Provided further*, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds.

REIMBURSEMENT TO THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND

For an additional amount to reimburse the rural electrification and telephone revolving fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), \$244,100,000.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, \$28,710,000, to remain available until expended (7 U.S.C. 901-950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the

Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than \$177,045,000 nor more than \$210,540,000.

RURAL COMMUNICATION DEVELOPMENT FUND

To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, \$1,329,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, \$194,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1990, including not to exceed \$7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$103,000 for employment under 5 U.S.C. 3109, \$31,124,000: *Provided*, That none of the funds in this Act may be used to authorize the transfer of funds to this account from the Rural Telephone Bank.

CONSERVATION

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, \$422,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$481,000,000, of which not less than \$5,494,000 is for snow survey and water forecasting and not less than \$7,234,000 is for operation and establishment of the plant materials centers: *Provided*, That of the foregoing amounts not less than \$370,000,000 is for personnel compensation and benefits: *Provided further*, That except for \$1,841,000 for improvements of the plant

materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$10,000, except for one building to be constructed at a cost not to exceed \$100,000 and eight buildings to be constructed or improved at a cost not to exceed \$50,000 per building and except that alterations or improvements to other existing permanent buildings costing \$5,000 or more may be made in any fiscal year in an amount not to exceed \$2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2): *Provided further*, That none of the funds in this Act shall be used for the purpose of consolidating equipment, personnel, or services of the Soil Conservation Service's national technical centers in Portland, Oregon; Lincoln, Nebraska; Chester, Pennsylvania; and Fort Worth, Texas, into a single national technical center.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), \$12,533,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), \$8,997,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$182,373,000 (of

which \$27,271,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$15,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$7,949,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$27,620,000: *Provided*, That \$1,207,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), \$20,474,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q, and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510)), and including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$184,935,000, to remain available until expended (16 U.S.C. 590o) for agreements, excluding administration but including technical assistance and related expenses, except

that no participant in the Agricultural Conservation Program shall receive more than \$3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assist-

ance and related expenses, \$12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), \$12,371,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), \$10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, \$10,420,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county committees, approved by the State committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), \$1,010,978,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there any amendments to title II?

If not, the Clerk will read.

□ 1350

The Clerk read as follows:

TITLE III—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, \$412,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788-1789); \$4,869,804,000, to remain available through September 30, 1991, of which \$713,250,000 is hereby appropriated and \$4,156,554,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to \$3,600,000 shall be available for independent verification of school food service claims.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), \$20,449,000, to remain available through September 30, 1991. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$2,126,000,000, to remain available through September 30, 1991, of which up to \$2,000,000 may be used to carry out the farmer's market coupon demonstration project.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than \$8,000,000 for the projects in Detroit, New Orleans, and Des Moines, \$65,028,000: *Provided*, That funds provided herein shall remain available through September 30, 1991: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 2029), \$14,200,235,000: *Provided*, That funds provided herein shall remain available through September 30, 1990, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That \$345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That \$936,750,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which not to exceed \$10,825,000 is available for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act

(7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), \$206,510,000.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, \$40,000,000.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Temporary Emergency Food Assistance Act of 1983, as amended, \$50,000,000: *Provided*, That, in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Temporary Emergency Food Assistance Act of 1983, as amended by section 104 of the Hunger Prevention Act of 1988, \$120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$93,026,000; of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, \$9,145,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

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Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$98,787,000: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign

production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AGRICULTURAL TRADE MISSIONS

For necessary expenses for agricultural aid and trade missions as authorized by Public Law 100-202, \$200,000.

PUBLIC LAW 480

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, or for convertible foreign currency for use under 7 U.S.C. 1708, and for furnishing commodities to carry out the Food for Progress Act of 1985, not more than \$860,900,000, of which \$309,845,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales, carry-over balances and commodities made available from the inventories of the Commodity Credit Corporation by the Secretary of Agriculture pursuant to sections 102 and 403(b) of said Act, and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than \$682,100,000, of which \$682,100,000 is hereby appropriated: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title to this paragraph may be used to carry out any other title of this paragraph.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), \$4,376,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the

International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owned to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), \$750,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title IV?

Are there any amendments to title IV?

If not, the Clerk will read.

TITLE V—RELATED AGENCIES
DEPARTMENT OF HEALTH AND HUMAN SERVICES
FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$550,171,000: *Provided*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That this appropriation shall be available to employ persons or organizations, on a temporary basis, by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53, and section 2105(a) of chapter 21 of title 5, United States Code: *Provided further*, That of the sums provided herein, not to exceed \$2,000,000 shall remain available until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Food and Drug Administration, where not otherwise provided, \$6,950,000.

RENTAL PAYMENTS (FDA)
(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, \$25,612,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY
PAYMENTS TO THE FARM CREDIT SYSTEM
FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued in fiscal year 1990, as authorized, \$88,000,000: *Provided*, That not to exceed \$2,206,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further*, That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109; \$37,691,000, including not to exceed \$700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION
LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed \$36,120,000 (from assessments collected from farm credit system institutions and the Federal Agricultural Mortgage Corporation), shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed \$1,500 shall be available for official reception and representation expenses.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title V?

POINT OF ORDER

The CHAIRMAN. Are there any points of order against title V?

Mr. FORD of Michigan. Mr. Chairman, I make a point of order against the language beginning at line 22 on page 65 and ending on line 2 of page 66. My point of order is this consti-

tutes legislation on an appropriation bill and thus violates clause 2 of rule XXI.

Mr. WHITTEN. Mr. Chairman, we concede the point of order to that particular language.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] concedes the point of order, and the point of order is sustained.

Mr. WEISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am concerned about language in the Appropriations Committee's report covering the Food and Drug Administration regarding the carcinogenic color additive Red Dye No. 3—House Report 101-137, 101st Congress, 1st session, 1989, page 126. The report states that the committee "expects" FDA to delay making a decision on Red Dye No. 3 pending the completion of a long-term study to determine if the so-called secondary mechanism of Red Dye No. 3 effect can be confirmed for the dye.

The legal authority to use the form of Red Dye No. 3 that is applied to drugs, cosmetics and many foods is known as the provisional list. The provisional list is an interim category for color additives that was established when Congress enacted the Color Additive Amendments of 1960. It was supposed to last for 2½ years, during which time industry was supposed to test the dyes for safety. The industry has had 29 years to test these dyes. Since 1962, the FDA has given industry somewhere between 30 and 40 extensions of the provisional listing of Red Dye No. 3. The industry has used every trick in the book to prevent the law from being implemented. Red Dye No. 3 is the only dye that remains on the provisional list.

In 1984, the Acting FDA Commissioner reviewed the carcinogenicity tests for Red Dye No. 3. He concluded that the Delaney clause, which prohibits the approval of carcinogenic color additives, required the FDA to ban the dye because it causes cancer in animals. At that time, the industry made the secondary mechanism argument but the Commissioner said that the science did not support it. HHS Secretary Margaret Heckler overruled the FDA.

The Government Operations Subcommittee on Human Resources and Intergovernmental Relations, which I chair, has held two hearings on the Department of Health and Human Services' failure to enforce the law against six carcinogenic color additives, including Red Dye No. 3. In 1985, our first report unanimously concluded that FDA violated the law. After we issued our report, the FDA tried to avoid the Delaney clause through its so-called de minimis policy. Subsequently, that interpretation of the law was unanimously held

to be illegal in *Public Citizens v. Young*, 831 F.2d 1108, (D.C. Cir. 1987). Since my subcommittee's report, FDA has removed five of the carcinogenic color additives from the provisional list. Only Red Dye No. 3 remains.

In the meantime, the secondary mechanism issue has been thoroughly explored. The FDA established a special peer review panel to evaluate the issue. The panel was composed from prominent scientists from several agencies within the Government. Its 100-plus page report, issued in 1987, concluded that the secondary mechanism argument had not been proven.

Nevertheless, the FDA continued to evaluate data and arguments submitted by the industry. On August 30, 1988, the FDA proposed to grant yet another extension to allow the industry to conduct another test on the secondary mechanism issue. The extension was granted on October 24, 1988, and was scheduled to expire on June 30, 1989. In April 1989, FDA was prepared to take final action to remove the dye from the provisional list. On June 30, 1989, the FDA extended the provisional listing of Red Dye No. 3 for 2 months to allow time to prepare the document announcing its decision to terminate the provisional listing of Red Dye No. 3.

Mr. Chairman, it is my understanding that none of FDA's statutory powers and duties to ban Red Dye No. 3 have been altered by the Appropriations Committee actions.

Under the law the FDA has no option but to follow through with its stated intention to terminate the provisional listing of Red Dye No. 3. It is high time that it does so.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I first want to say to the chairman that I deeply appreciate the work that he has done in this bill, along with the gentlewoman from Nebraska [Mrs. SMITH] for her hard work, I appreciate being a member of this subcommittee and working under their leadership.

I want to state, as the chairman knows, I have a deep and long abiding concern about rural America and rural development programs. I appreciate the additional help this year in the area of rural development, even though we could not fulfill all the requests. I know members of the subcommittee have done tremendous work in providing an increase in dollars for the RC&D Program under soil conservation. This program works. It is an effective program. It is providing additional jobs and additional economic growth in a lot of the economically depressed areas. I know in southeastern Oklahoma those essential dollars to allow programs to be able to be continued and be able to expand economically depressed areas of the country.

Mr. Chairman, you are a great leader for rural America. I appreciate you [Mr. WHITTEN] and the gentlewoman from Nebraska [Mrs. SMITH] I say, thank you in behalf the many citizens who are working to improve the economic conditions in rural America.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

In connection with the issue that the gentleman from New York [Mr. WEISS] is raising here, may I say that it is highly controversial, as has been shown here. I am no expert in this area at all, but I do know one of the problems we have in the Congress is that regulation and restrictions are changed frequently after Congress has adjourned, without the Congress having a right to look into it. So for that reason, I feel that we should insist that whatever action is taken, that the Congress be notified so that those who are interested will have an opportunity to deal with it. For that reason, I suggested that they report to the Congress.

We have many cases where regulations go far beyond the authority they have under the law. I do not mean that is true in this case, but it can be true. For that reason, I feel that any action that should be taken, we should be notified, the Congress should be notified, particularly where a controversy is existing.

Also, may I say to my colleague from Oklahoma, he is a very valuable member of the subcommittee, and as long as he is on the subcommittee we will not forget rural America.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I move to strike the last word, and I rise in strong support of this bill. I applaud the Committee on Appropriations for bringing down an issue which I think is to the benefit of not only agriculture in America, but also to those people who buy agricultural products. I want to reemphasize the fact that while this bill is still \$38 billion, the agricultural side of it, of course, has been slashed from 1986 levels of \$26 to \$7.1 billion. That is all agriculture is taking out of this total bill.

When we completed the farm bill in 1985, some people thought it was unpopular. Some said it cost too much and would distort world markets and domestic markets. Some said it allowed too much government interference. Now, as we begin on the 1990 farm bill, we have found, of course, the 1985 farm bill was very, very successful.

Think of it: We have slashed the cost of agriculture, commodity prices have risen, we have been successful in foreign markets. We produce in this country 20 percent of the world's food in this country, 27 percent of the planet's feed grain, and 25 percent of the world's beef. In agricultural trade, we produce more than we consume in this

country, so it is important that we export. We have had successes and failures. However, the successes, of course, outnumber the failures.

□ 1400

We have failed in areas like Korea. The European Community has been very tough on us with the hormone issue, but we did break into Japan with a billion dollars indeed with citrus. We have the Canadian Trade Agreement, which is most beneficial and will be most beneficial to this country.

So the big picture demonstrates that our policies are working. The vital signs of American agriculture are improving. Farm debt is being reduced. We are moving aggressively back into the export market. Farmers' income is increasing.

Mr. Chairman, that indicates to me that this is an excellent bill, and the future of agriculture is in the hands of those Members of Congress who vote hopefully on this bill in a positive fashion.

The CHAIRMAN. Are there amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1990 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 514 passenger motor vehicles, of which 508 shall be for replacement only, and for the hire of such vehicles.

SEC. 603. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 604. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 606. Advances of money to chiefs of field parties from any appropriation in this Act for the Department of Agriculture may

be made by authority of the Secretary of Agriculture.

Sec. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

Sec. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, \$4,500,000 for the contingency fund to meet emergency conditions, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities, and up to \$10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center; Cooperative State Research Service, buildings and facilities; Scientific Activities Overseas (Foreign Currency Program); Dairy Indemnity Program; \$2,852,000 for higher education training grants under section 1417(a)(3)(B) of Public Law 95-113, as amended (7 U.S.C. 3152(a)(3)(B)); and buildings and facilities, Food and Drug Administration.

Sec. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 610. Not to exceed \$50,000 of the appropriation available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Sec. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

Sec. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

Sec. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

Sec. 614. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 615. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 65 per centum of the value of the loans closed during the fiscal year.

Sec. 616. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and non-profit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

Sec. 617. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

Sec. 618. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

Sec. 619. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

Sec. 620. During fiscal year 1990, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

Sec. 621. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1989 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage

rate which is greater than is available in the case of funds appropriated in this Act.

Sec. 622. In fiscal year 1990, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

Sec. 623. Funds provided by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

Sec. 624. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

Sec. 625. Provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

Sec. 626. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 7,400; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

Sec. 627. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

Sec. 628. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

Sec. 629. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

Sec. 630. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

Sec. 631. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

Sec. 632. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund.

Sec. 633. None of the funds appropriated or otherwise made available by this Act

shall be used to pay the salaries of personnel who carry out a targeted export assistance program under section 1124 of the Food Security Act of 1985 if the aggregate amount of funds and/or commodities under such program exceeds \$200,000,000.

Sec. 634. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be \$1,000,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)) if the aggregate amount of funds and/or commodities under such program exceeds \$770,000,000.

Sec. 635. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

Sec. 636. In fiscal year 1990, section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, and such purchases shall be used to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries.

Sec. 637. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 638. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

Sec. 639. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 25 per centum of total direct costs under each award.

This Act may be cited as the "Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990".

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Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there points of order on title VI?

If not, are there amendments to title VI?

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BENNETT] having assumed the chair, Mr. LEATH of Texas, 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. 2883) making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 26, not voting 11, as follows:

[Roll No. 141]

YEAS—394

| | | |
|-----------|------------|---------------|
| Ackerman | Bereuter | Bunning |
| Akaka | Berman | Burton |
| Alexander | Bevill | Bustamante |
| Anderson | Bilbray | Byron |
| Andrews | Billrakis | Callahan |
| Annunzio | Billey | Campbell (CA) |
| Anthony | Boehliert | Campbell (CO) |
| Applegate | Boggs | Cardin |
| Aspin | Bonior | Carper |
| Atkins | Borski | Carr |
| AuCoin | Boucher | Chandler |
| Baker | Boxer | Chapman |
| Ballenger | Brennan | Clarke |
| Barnard | Brooks | Clay |
| Bartlett | Browder | Clement |
| Barton | Brown (CA) | Clinger |
| Bateman | Brown (CO) | Coble |
| Beilenson | Bruce | Coleman (MO) |
| Bennett | Bryant | Coleman (TX) |
| Bentley | Buechner | Combest |

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|---------------|----------------|----------------|
| Conte | Hubbard | Nielson |
| Conyers | Huckaby | Nowak |
| Cooper | Hughes | Oakar |
| Costello | Hunter | Oberstar |
| Coughlin | Hutto | Obey |
| Cox | Inhofe | Olin |
| Coyne | Ireland | Ortiz |
| Craig | James | Owens (NY) |
| Darden | Jenkins | Owens (UT) |
| Davis | Johnson (CT) | Oxley |
| de la Garza | Johnson (SD) | Packard |
| DeFazio | Johnston | Pallone |
| Dellums | Jones (GA) | Panetta |
| Derrick | Jones (NC) | Parker |
| DeWine | Jontz | Parris |
| Dickinson | Kanjorski | Pashayan |
| Dicks | Kapture | Patterson |
| Dingell | Kasich | Paxon |
| Dixon | Kastenmeier | Payne (NJ) |
| Donnelly | Kennedy | Payne (VA) |
| Dorgan (ND) | Kennelly | Pease |
| Douglas | Kildee | Pelosi |
| Downey | Kleczka | Penny |
| Duncan | Kolbe | Perkins |
| Durbin | Kolter | Petri |
| Dwyer | Kostmayer | Pickett |
| Dymally | LaFalce | Pickle |
| Dyson | Lancaster | Porter |
| Early | Lantos | Poshard |
| Eckart | Laughlin | Price |
| Edwards (CA) | Leach (IA) | Pursell |
| Edwards (OK) | Leath (TX) | Quillen |
| Emerson | Lehman (CA) | Rahall |
| Engel | Lehman (FL) | Rangel |
| English | Leland | Ray |
| Erdreich | Lent | Regula |
| Espy | Levin (MI) | Rhodes |
| Evans | Levine (CA) | Richardson |
| Fascell | Lewis (CA) | Rinaldo |
| Fawell | Lewis (FL) | Ritter |
| Fazio | Lewis (GA) | Roberts |
| Feighan | Lightfoot | Robinson |
| Fish | Lipinski | Roe |
| Flake | Livingston | Rogers |
| Flippo | Lloyd | Rose |
| Foglietta | Long | Rostenkowski |
| Ford (MI) | Lowery (CA) | Roth |
| Ford (TN) | Lowey (NY) | Roukema |
| Frank | Lukens, Thomas | Rowland (CT) |
| Frost | Lukens, Donald | Rowland (GA) |
| Gallo | Machtley | Roybal |
| Garcia | Madigan | Sabo |
| Gaydos | Manton | Saiki |
| Gejdenson | Markey | Sangmeister |
| Gekas | Marlenee | Sarpalius |
| Gephardt | Martin (IL) | Savage |
| Gibbons | Martin (NY) | Sawyer |
| Gillmor | Martinez | Saxton |
| Gilman | Matsui | Schaefer |
| Gingrich | Mavroules | Scheuer |
| Glickman | Mazzoli | Schiff |
| Gonzalez | McCloskey | Schneider |
| Goodling | McCollum | Schuette |
| Gordon | McCrery | Schulze |
| Goss | McCurdy | Schumer |
| Gradison | McDade | Shaw |
| Grandy | McDermott | Shumway |
| Grant | McEwen | Shuster |
| Gray | McGrath | Sikorski |
| Green | McHugh | Sisisky |
| Guarini | McMillan (NC) | Skaggs |
| Gunderson | McMillen (MD) | Skeen |
| Hall (OH) | McNulty | Skelton |
| Hall (TX) | Meyers | Slattery |
| Hamilton | Mfume | Slaughter (NY) |
| Hammerschmidt | Michel | Slaughter (VA) |
| Hansen | Miller (CA) | Smith (FL) |
| Harris | Miller (OH) | Smith (IA) |
| Hastert | Miller (WA) | Smith (MS) |
| Hatcher | Mineta | Smith (NE) |
| Hawkins | Moakley | Smith (NJ) |
| Hayes (IL) | Mollohan | Smith (TX) |
| Hayes (LA) | Montgomery | Smith (VT) |
| Hefley | Moody | Smith, Denny |
| Hefner | Morella | (OR) |
| Henry | Morrison (CT) | Smith, Robert |
| Herger | Morrison (WA) | (OR) |
| Hertel | Mrazek | Snowe |
| Hiler | Murphy | Solarz |
| Hoagland | Murtha | Solomon |
| Hochbrueckner | Myers | Spence |
| Holloway | Nagle | Spratt |
| Hopkins | Natcher | Staggers |
| Horton | Neal (MA) | Stallings |
| Houghton | Neal (NC) | Stangeland |
| Hoyer | Nelson | Stark |

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|-------------|------------|------------|
| Stearns | Towns | Weiss |
| Stenholm | Trafigant | Weldon |
| Stokes | Traxler | Wheat |
| Studds | Udall | Whittaker |
| Sundquist | Unsoeld | Whitten |
| Swift | Upton | Williams |
| Synar | Valentine | Wilson |
| Tallon | Vento | Wise |
| Tanner | Visclosky | Wolf |
| Tauke | Volkmer | Wolpe |
| Tauzin | Vucanovich | Wyden |
| Thomas (CA) | Walgren | Wylie |
| Thomas (GA) | Walsh | Yates |
| Thomas (WY) | Watkins | Yatron |
| Torres | Waxman | Young (AK) |
| Torricelli | Weber | Young (FL) |

NAYS—26

| | | |
|-------------|-------------|---------------|
| Archer | Fields | Rohrabacher |
| Armey | Frenzel | Russo |
| Bates | Gallely | Schroeder |
| Broomfield | Hancock | Sensenbrenner |
| Crane | Jacobs | Shays |
| Dannemeyer | Kyl | Smith, Robert |
| DeLay | Lagomarsino | (NH) |
| Dornan (CA) | McCandless | Stump |
| Dreier | Moorhead | Walker |

NOT VOTING—11

| | | |
|----------|----------|-------------|
| Bosco | Florio | Ridge |
| Collins | Hyde | Sharp |
| Courter | Molinari | Vander Jagt |
| Crockett | Ravenel | |

□ 1420

Messrs. LEWIS of California, HERTEL, and MURPHY changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND ELECTION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. BENNETT) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1989.

HON. THOMAS S. FOLEY,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As you may know, I was temporarily assigned to the House Committee on Standards of Official Conduct on June 2, 1988, to fill the seat vacated by the illness of our colleague, Floyd Spence of South Carolina. This temporary assignment was to ensure a full complement of committee members as deliberations began into the matter of the former Speaker, Jim Wright. Now that the Committee on Standards of Official Conduct has concluded its activity in regard to Mr. Wright, I hereby submit my resignation as a temporary assigned Member of the Committee on Standards of Official Conduct.

Sincerely,

HANK BROWN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 204) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 204

Resolved, That Representative Grandy of Iowa be and is hereby elected to the Committee on Standards of Official Conduct.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arizona [Mr. RHODES] be removed as a cosponsor of the bill, H.R. 660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1500

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2916, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION, 1990

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 101-152) on the resolution (H. Res. 205) waiving certain points of order against consideration of the bill (H.R. 2916) 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, which was referred to the House Calendar and ordered to be printed.

□ 1430

ILLINOIS DEMOCRATIC ETHNIC AMERICAN COUNCIL'S HERITAGE AWARD DINNER

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

Mr. LIPINSKI. Mr. Speaker, I am here tonight to inform my colleagues of last week's Illinois Democratic Ethnic American Council's Heritage Award Dinner. We were honored that evening to be joined by the chairman of the Democratic National Committee, Mr. Ron Brown, the majority leader of the U.S. House of Representatives, Hon. RICHARD GEPHARDT, and the mayor of Chicago, Richard M. Daley. We gathered to honor 14 outstanding individuals who have made extraordinary contributions to their country, their communities, and their

families. Their superior efforts have made this land of liberty a greater place in which to live and have raised the standard of living of all Americans. But, in a larger sense, we gathered to pay tribute to all those ethnic Americans who came here from the Old European World and their descendants who became Americans and democrats. Their contributions have made this fortress of freedom we call the U.S.A. stronger, freer, and more democratic. While the members of no single racial, ethnic, or religious group built America by themselves, ethnic Americans have played a strong part in developing this Republic into the economic powerhouse of the planet and in making America the lighthouse by which the rest of the world is guided.

Ethnic Americans have fought in two World Wars and countless smaller ones to protect this Nation and the rest of mankind. Ethnic Americans have made a very significant contribution to the building of the American labor movement and to the positive development of the American management style. They put the rivets in the American dream. They dug the holes and poured the mix and, one bucket at a time, helped to build "America the Beautiful, America the Tolerant and America the Free." Each ethnic American seeking to outreach the other for a place in the sun caused us all to grow taller. Their contributions to this land of the pilgrim pride, economically, socially, politically, and culturally is not surpassed by any other religious, cultural or racial group.

The minds and muscles of ethnic Americans have, for decades, played a major role in the Democratic Party's victories for such statesmen as Woodrow Wilson, Franklin Delano Roosevelt, Harry S. Truman, and John F. Kennedy. And, if the Democratic Party is ever again going to win the White House, it must have the support of ethnic Americans. Because, with their faith in God, love of country, dedication, strength, wisdom, courage, integrity, charity, patience, and discipline ethnic Americans can be the linchpin which puts the Democratic Party's grand coalition back together. The Democratic Party and ethnic Americans have been successful together. The advances and victories of each have been a direct result of the two forging together. It is the Democratic Party, as an entity, which has enabled ethnic Americans more than any other entity the opportunity to become educated, knowledgeable and economically successful and to become truly American. It is now time for ethnic Americans to put aside their differences with other Democrats and to join together with black democrats, Hispanic democrats, Asian democrats, and all other democrats in order to bring our party back into the main-

stream and back to victory—so that all Americans can be uncommon and reach their place in the sun and fulfill the American dream for themselves and our Nation.

Mr. Speaker, I include in my remarks this afternoon the names and the ethnic background of the 14 award recipients. Truly they are people who have contributed enormously to their neighborhood, their family, their city, their county, their State, their Government, and their country.

ILLINOIS STATE DEMOCRATIC ETHNIC COUNCIL 1989 HERITAGE AWARDS PROGRAM

RECIPIENTS

Robert Healy, Irish.
Dr. Ivan Leseiko, Ukrainian.
Jack Schneider, German.
Bernard Puchalski, Polish.
Joseph A. Carl, Italian.
Wally Vukovich, Serbian.
Aristotle Halikias, Greek.
Leroy W. Lemke, Czechoslovakian.
Gilda Karu, Estonian.
Vicki Shoshag Hovanessian, Armenian.
Robert Soldat, Lithuanian.
Reverend Vilis Varsbergs, Latvian.
Reverend Steve Budrovich, Croatian.
Reverend Andrew Eordogh, Hungarian.

DEBT-FOR-NATURE SWAPS ON COMMUNIQUE OF ECONOMIC SUMMIT

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

Mr. PORTER. Mr. Speaker, recognizing the link between global environmental degradation and Third World debt, in the Paris Communique, developed during the economic summit, the Group of Seven concluded in point 38 that "In special cases, ODA debt forgiveness and debt for nature swaps can play a useful role in environmental protection."

The Tropical Forest Protection Act (H.R. 1704) offers the mechanism to implement debt for nature swaps by allowing heavily indebted developing countries to exchange their debt for conservation activities, particularly those that protect tropical forests. Over \$100 million in debt for nature swaps have already occurred. But, without additional cost to the U.S. taxpayer, H.R. 1704 makes available the assets of multilateral development banks for the increased funding that is necessary to combat problems such as global warming.

Mr. Speaker, we all know that much of the debt of developing countries is not being paid, and probably never will be paid in full. The Tropical Forest Protection Act offers something in return for that debt. Protection of tropical forests is a fair swap.

NEGOTIATORS IN GENEVA ANNOUNCE HISTORIC BREAKTHROUGH

Mr. Speaker, on another subject, our negotiators in Geneva have announced a historic breakthrough.

After 8 years of hard negotiations, including the Vice President Bush's key draft treaty in 1985 and the British proposal on verification last year, we now stand on the edge of a multilateral treaty that will outlaw the production and stockpiling of chemical weapons.

Verification will be accomplished through surprise inspections described as "highly intrusive" and not limited to sites where production or storage of chemical weapons is acknowledged. The U.S. Chemical Manufacturers Association wholeheartedly supports these verification measures.

A small number of weapons would be retained by the United States and the Soviet Union until the 10-year-destruction phase is over. The State Department expects 60 to 80 countries to sign the convention.

Mr. Speaker, this is a historic moment that will help to enhance the security of the United States and remove the hideous threat of chemical weapon from the planet. President Bush deserves accolades as does our chief negotiator, Max Friedersdorf. We in Congress should now look forward to helping them finish the details and ratify this treaty.

B-2 IS A GOOD INVESTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, before we adjourn today, I want to make a quick reference to a discussion that the House is considering presently concerning the B-2 bomber that will be before us next week.

The questions very simply settle down to the fact that we have a triad of defenses, one an air based, one a sea based, and one a land-based leg of our defense system.

Sea based has been upgraded in recent years with development of the Trident submarine and the D-5 missile, a program that has been supported by the Congress very effectively and is moving into production without delay.

The land based, of course, is a dilemma that we have faced over the MX missile or the Midgetman, and that hopefully is resolved in this year's budget coming from the Committee on Armed Services.

The final step is the upgrading of the air-based leg of the triad, which is the strategic bomber, and the B-52, which went into production in 1952, went out of production in 1962, continued to be the workhorse of this leg of the triad.

When John F. Kennedy was sworn in as President, we had in excess of 1,200 B-52's in inventory. Today we have less than 200, and in this interim period, as they have moved out of inventory, it was necessary in the early 1980's for us to begin to replace them with present technology aircraft which were a significant upgrade, having not built any strategic bombers for nearly three decades, with the B-1, and now that that has been supplanted and we now have less than 300 in that leg of the triad, we are now facing the additional step, that is, the quantum leap forward into the new Stealth technology for which this Congress has been committed for now a decade and a half.

Mr. Speaker, this revolutionary new technology, the B-2, is ready and under production presently, and as we all know, flew yesterday. This is a penetrating Soviet space strategic weapon that is coming in to us exactly as was asked for by this Congress at the beginning of this decade.

It was estimated that in order to be at this stage of production with the 20-some B-2's delivered, it was estimated in 1981, recognizing that this is all new technology and there was no way to predict what the cost would be, the estimate from the Department of Defense in 1981 was that this system would cost \$38 billion. We now at this present time are in production on a program that will take us to \$42 billion, in other words, virtually right on the mark as to where this revolutionary new technology will take us.

Much discussion has been made about the fact that somehow or another this is expensive. Let me just make a quick comparison shot. There is much that can be said to defend this airplane. It should not be, under any circumstances, debated on cost, because what we are talking about is an entirely new generation of defenses that will make obsolete hundreds of billions of dollars of investment by our adversaries in air defenses that this system can then penetrate.

It will make intercontinental ranges available. It will make obsolete the demand for forward deployment as we lose bases around the world, and it will make it cheaper, easier, more convenient, and safer for us to deploy them in this country. So all of those defenses are there.

However, I would like to make a quick reference to the fact of the cost, and the cost is an excellent reason for buying this aircraft.

□ 1440

Let me say that the most efficient airplane ever produced and now in its 20th year of production is the 747. It is designed, it is built by over 14 countries. Virtually every aerospace company in America can make a contribution to the production of that plane. If a

company would go to Boeing today and say I can make that one little window for eight-tenths of a cent cheaper, they will give that company the contract. It is a very efficient plane, and yet if you buy the commercial airplane in production for 20 years today off the shelf it costs \$125 million. If you put in new avionics for the President, it takes the figure over \$300 million, which is where it is today for the new Air Force One. The new B-1 which has just completed production is in the neighborhood of \$380 million.

In other words, in order to get the strategic bomber that would have any sort of a capability at all, we are well into the \$400 to \$500 million price tag just like that, because that is what airplanes cost. For us to be able to come to this Congress next week with the production of a B-2 that is secured, that has been tested, that is under production at this moment in that cost range is more than anything any of us could have hoped for of those of us who believe that this great technology should be made available.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to commend my friend from Ohio for an outstanding statement on the realities of the decision that the House will have to make in the next few days regarding the B-2. I certainly hope Members will listen carefully to this debate.

What we are talking about is the future of our penetrating bomber capability. I would like to see a day come when we did not have to have any of these weapons systems, but until we get a START agreement, until we get an agreement on conventional forces in Europe, we have got to continue to modernize the triad in order to stay strong.

We know today that our two land-based missiles are vulnerable. We know today that the bombers cannot penetrate in the middle 1990's.

I would just say to my friend, in summary, he has made a very good statement. I hope our colleagues in the House will listen carefully. This is a critical issue to this administration. To undercut them today would be a serious mistake.

Mr. McEWEN. I thank the gentleman from Washington for his excellent contribution.

LET US TAKE ACTION ON THE DEBT

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the June 30, 1989, issue of the *Journal of Commerce* offers us some disparaging numbers regarding our country's international financial position. In particular, I am referring to the latest external debt figure released by the Department of Commerce. America's current account balance standards at a negative \$532 billion, an astonishing 40 percent jump over the previous total. Frankly, little relief appears to be in sight.

For the last 5 years, this body has been presented staggering debt figures. In fact, if we take a moment to examine the course that our foreign trade imbalance has taken over this period of time it starts to look like a tidal wave of red ink rushing toward the shoreline of our America's economic sovereignty.

Riding the crest of this wave is the ever-increasing volume of foreign direct investment in our country. As regards this crisis, the Commerce Department provides the all-too-chilling facts. Direct investment was up a record \$57.1 billion with total investment now standing at \$326.9 billion.

Perhaps even more distressing than this is the fact that, for the first time in nearly three American generations, foreign interests have purchased more assets in the United States than the United States invested abroad all over the world.

These latest figures also indicate a dramatic point which should be illustrated. Specifically, when compared to the nations of Japan, Germany, France, and the United Kingdom, our Government must pay out a higher percentage of its total expenditures to cover its debt. It is my firm belief, and I have indicated this on many occasions, that the United States is mortgaging the future by continuing this destructive financial and industrial activity.

The foreign debt, a large percentage of which comes from investment, has serious impacts on all sectors of the economy. This investment, particularly in manufacturing, has resulted in the elimination of millions of jobs in U.S. companies and their replacement by one-time foreign competitors. Steve Salerno writing for *American Legion Magazine* in its March issue notes:

Is America for sale?

Foreign ownership in America may be getting out of hand. Led by Japan, total foreign investment in the United States is nearing \$1 trillion, and more than 3 million American workers now answer to foreign bosses.

The Pillsbury Doughboy is now kneaded by the British. Armco, America's fifth largest steel company, is half-owned by Kawasaki. Firestone Tire & Rubber has become the property of Japanese-owned Bridgestone, a longtime foe. Three quarters of the skyline in downtown Los Angeles looks west to Asian ownership. Office space surrounding our seat of government in Washington is 25 percent foreign-occupied. Tokyo's Aoki

Corporation has established a partnership with Tishman, one of New York's top construction firms. Citibank, the largest U.S. bank, sold about half its Manhattan headquarters complex to Japanese investors in 1987. Lee Iacocca, whose admonishments to "buy American!" anchored Chrysler's climb back to health, has now announced a joint venture with Mitsubishi.

Even "The Encyclopedia Americana" is published, these days, by the French. America is up for grabs, with no apparent end in sight. If the above examples are unsettling, consider the overall trends.

Mr. Speaker, I would like to point out that on this floor last week in regards to the Bridgestone buyout of Firestone, I noted that it was not only the manufacturing plant that they purchased and the manufacturing rights, but they also are out trying to buy the individual dealerships in all the communities around the United States. Where those individual dealers do not want to sell, Bridgestone has been setting up a competing retail outlet right around the corner in order to force the Americans out of business, and in one particular case on a special tire that Bridgestone also is buying from another manufacturer in order to gobble up that whole supply, the Firestone outlets are touting that tire as being available at \$56.75, while the independent tire dealer in the United States can sell it for \$35.

That should indicate what can happen when an outside entity who does not have the interests of the Americans at heart can do when they control the whole product line.

Indeed, the overall trends should be considered, because they can give some indication of how the foreign presence in America might look in the future. Mr. Salerno goes on to write, "Foreigners already control 12 percent of all manufacturing jobs in the United States. More than 3 million American workers answer to foreign bosses—almost a million to the Japanese alone."

The jobs of at least one million Americans are tied directly to the Japanese. I find this to be a frightening statistic. The question that we must ask ourselves is what is this control buying in other, less tangible areas such as political control and the influence in America's academic and political circles?

Just last month the scandalous revelation that Japanese companies were receiving access to U.S. Government funded research from MIT programs confirms, I think, the fact that influence at America's universities can be purchased. It all amounts to a lobbying effort against the American people.

But these political and psychological efforts are only half of the story. The Japanese and others are altering America's financial environment, and, when the facts are examined, creating

hostile economic conditions for Americans in their own country.

The primary example of this is in real estate. In this area the Japanese have been the pacesetters. The Baltimore Sun of March 14 notes that in 1988, "Japanese business interests rose to the top * * * in the growth of direct United States investments, which involve buying assets like factories, hotels, and real estate rather than securities." Perhaps if bidding on these purchases would have been reasonable, some sense of financial sanity would have been preserved, but, beginning in 1986, Japanese interests began purchasing properties at rates miles out of line with what was then considered market value.

Evidence of this is provided in an article by Neil Barsky in the *Wall Street Journal* of June 9, 1989. The article reads, "When Japanese investors went on a buying spree of first-class commercial real estate in the United States many American investors who stayed on the sidelines remarked that they were paying too much."

But, as Mr. Barsky goes on to write, "Three years later, it is becoming clear that they didn't overpay after all, say some experts. Instead, values of first class properties have crept up to the levels the Japanese were paying and American investors are matching their prices," if they have the money.

In fact, Mr. Simon Milde, a real estate executive, quoted in the article notes, "The Japanese have had the last laugh, * * * They've brought the market to their level. Now, if Americans want to buy first class properties, they have to pay top dollar."

I fear the day is coming, Mr. Speaker, when the Japanese will look to areas like residential properties for investment. If that day comes then we will all be able to carry the idea of owning a home exclusively in our dreams.

The thought of owning a home in America will not be a reality any longer. We have only to see what has happened in Hawaii where the Japanese have purchased a great deal of the residential real estate there and it is now said that the average native Hawaiian can not afford to buy any property there anymore.

This is the tragedy of debt as it affects the daily lives of all Americans, but there is another side. This is the effect of foreign investment on America's future. This equally sinister side of our debt crisis shows itself in the shortage of capital available to American companies. The fact of the matter is that, in the United States today, capital, the life blood of economic development is frighteningly scarce. That is, of course, unless a capital poor company can secure a relationship with a foreign capital rich bank or company that is more than willing

to hand over the desperately needed cash, at a price.

Scarcity is only half of the story. Even more damaging is the competition that ensues for this scarce capital. The end result of this "race for dollars" is inevitably that smaller firms are left out.

Anybody on Wall Street will tell you; when the dollars are scarce not everybody can have a piece of the pie.

The tragedy reaches its climax when a foreign interest acquires all of, or a significant portion of, the American firm. The bottom line is the loss of yet another U.S. firm and the addition of yet another foreign subsidiary based in our country, shipping more wealth offshore in repatriated profits.

The history of this trade debacle, begins from 1984; this was the last year that the United States was a creditor nation. It was about this time that a terrible cycle began its development, one which has not yet come to an end. The story goes as follows. This body, unwilling to accept the necessity of budget balancing began fueling the tremendous growth in the Federal deficit. The Treasury was forced into action. One of the steps taken in an effort to grapple with the deficit was to seek out agreement on new levels of the dollar relative to other currencies.

It was agreed between major industrial nations that the value of the dollar would have to come down. This was done under the aegis of providing a means by which American firms could generate sales overseas and then bring money back into our economy.

Hindsight shows us that this has become a formula for disaster. The value of the dollar has been slashed, but, rather than encouraging trade, the relatively cheap dollar opened the door for foreign interests not burdened with debt to invest in our country. Everything was, and is, "a steal", S-T-E-A-L.

Maybe things would have worked out. But, alas, there was a tragic flaw, we underestimated the ferocity with which foreign companies would attempt to cut their home markets off from our access.

Perhaps it should not come as a surprise that the most extreme opposite of the United States condition exists in Japan. In an atmosphere that can only be described as a "circus" of cash, The Bank of Japan, Japan's central bank, upon receiving the always welcomed advice of MITI—the Ministry of International Trade and Industry—places its stamp of approval on certain companies, which, in turn, seem to have little or no trouble securing loans from Japanese banks. These favored firms receive what amounts to a blank check for development, or foreign market infiltration, or whatever else is seen to be in the Japanese interest.

In the atmosphere of capital shortage and competition that exists in the

United States today, there is no doubt in my mind that certain nations will be attempting to use their purchased presence to influence this Government. In fact, we have seen signs of that already.

Once again, we need look only to Japan for evidence of the effect of influence peddling at the highest levels of government.

Under the heading "Takeshita Notice," the Washington Times reported that Japan's former Prime Minister, when he last met with President Bush, informed him that:

Tokyo, by virtue of its growing economic power, wanted to play a greater role in international affairs and receive greater consideration in U.S. foreign policy actions.

While it is certainly no secret to say that Japan maintains a large and well-financed lobbying group, this is the first time that I can recall where the Prime Minister of any nation has confronted an American President with demands regarding the right to influence United States foreign policy.

This is beginning to sound like international financial blackmail to me.

Yet this is only the latest and most arrogant example of Japanese actions, utilizing their ever increasing investment position. As a bureaucracy that has never been known to rest on its policy achievements, Japan is pushing forward to obtain further control over United States markets and technology.

The latest example that I have come across is a case that, until recently, was the kind of success story that all Americans dream of. The case I am speaking of is that of Mr. Joseph Lindmayer and his company, Optex Corp. What appears to have, at one point been an American dream, is now swiftly deteriorating into an American tragedy.

Forbes magazine from June 26 of this year painfully illustrates the story of Mr. Lindmayer, an immigrant who filed the tyranny of Communist Hungary with only his ideas and his dreams, becoming a very successful inventor and corporate businessman. Mr. Lindmayer's company seems typical of all that traditional business ethics in America have come to embrace.

His company has developed an ingenious process by which computer disks can store tremendous amounts of data. In fact, his idea could potentially revolutionize the world of computer information storage.

This modern business miracle was a small company quietly developing astounding technologies, and relying on the strength of its achievements to lure investors who provide the much needed capital flow which sustains these kind of operations. Normally, this is American market economics at its best.

Our huge debt servicing efforts, however, have skewed these forces,

making venture capital virtually unavailable to all but the most stable of companies, and certainly not to small high-technology relatively risky companies like Mr. Lindmayer's.

At the same time, foreign interests, bursting with cash and looking for any place in which to secure a position in the lucrative investment rich American market, have been steadily jockeying for a favored position as Mr. Lindmayer's source of funds.

To quote from a section of the Forbes article:

What do the experts think? Leonard Laub, president of Vision Three Inc., a New York consulting firm whose clients include IBM, Du Pont, Kodak and GE, says that although the invention is still at least three years away from production, Optex' development program is "well beyond the point where they are likely to encounter some fatal problem, a showstopper."

With all that going for it, you'd think that the high-tech world would be knocking down Lindmayer's door. Not exactly. Kodak, 3M, Xerox, IBM, Digital Equipment and Polaroid have all spurned his method in favor of more conventional schemes. And nowadays, with few initial public offerings, it seems, all too many venture firms are too busy protecting their past investments to pursue the future. In the first round of financing, Lindmayer approached some 30 venture firms before little Gryphon Ventures of Boston put up \$2 million. After a second round, he is now \$2 million short of his \$8 million goal.

Meanwhile, Lindmayer finds himself playing host in his offices in Rockville, MD, to a seemingly unending parade of Japanese businessmen seeking to beg, borrow, buy or steal his technology. Mitsubishi, Kubota, Nippon Mining, Denka and Tosoh—multibillion-dollar firms—have all made serious overtures to Optex.

While Forbes contends that a positive end is in sight, and if Optex is to be purchased I would certainly prefer an American firm to be the buyer, but I tend to be of the opinion that any sort of buy out, would in the long run, be negative, un-American.

The facts are clear, the American investment well is dry and the foreign, in particular the Japanese investment well, is overflowing.

Given the history of Japanese business practices in general and in this case particularly, only one conclusion can be drawn. Japan's investment pirates have set out to capture another United States technology while United States interests, too troubled with protecting themselves from effects of the foreign debt, can only stand by and watch.

In spite of what I have shown you today, I feel that the battle for the future is not yet lost. My faith in America is too strong. Indeed, it is my sincerest belief that we can find answers to our problems, but sacrifices must be made. One area is the budget, where I believe a spending freeze by the Federal Government is essential. Also in the area of ensuring U.S. com-

petitiveness, we can, and we must do more to make sure that U.S. products entering foreign nations are judged more on their value as products than on their perceived impact on the power brokers in foreign governments.

It is a hard fight, but a fight that must be won. I believe it is our role in this House to do what we can to make sure America's future stays secure.

IN OPPOSITION TO H.R. 1056

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

Mr. RAY. Mr. Speaker, the House is scheduled this week to debate H.R. 1056—the Eckart bill—passed out of the Energy and Commerce Committee.

This legislation addressing environmental concerns on Federal facilities is well intentioned, except for the fact that it gravely endangers plans, programs and funding already underway to restore environmental problems on defense bases.

My chief concern and the concerns of those who support a scheduled planned environmental restoration program and a ready and capable defense deterrent is that H.R. 1056 seeks to allow designated local and State regulators an entrance into the restoration funds and, when those are depleted, other overhead funds such as the personnel and payroll accounts.

H.R. 1056 allows fines and penalties to reach to the levels of \$25,000 per day, which can run into millions of dollars per site.

Previously these funds have been protected by sovereign immunity, which will be waived under H.R. 1056.

Let me explain about the defense environmental restoration account which we call the DERA account.

The funds are set aside specifically for environmental restoration.

The Defense Department requested \$500 million for 1989 and \$517 million for 1990.

The House Armed Services Committee increased the request by \$83 million to \$600 million.

The best estimates are that we must fund DERA to \$1 billion per year, and this is the committee goal for 1991.

The estimated cost to correct 40 years of environmental problems, some going back before World War II, is at least \$20 billion.

This funding program is the minimum needed to correct these problems and H.R. 1056 will take up a large amount of the restoration funding just to pay fees, fines, and penalties, to State agencies or designated local regulators.

Our current estimated time table to bring DOD environmental problems up to satisfactory standards is 20 to 25 years at a cost of \$20 billion estimated.

However with the interference of H.R. 1056, the cost could increase dramatically, the time table could stretch out.

Through the oversight of the House Armed Services Committee a great amount of progress has been made over the last 4 years.

DOD is not being dragged kicking and screaming to face up to their environmental task.

DOD has defined 8,139 potentially hazardous sites on 897 military installations; 7,711 of these sites have had preliminary assessment and 1,485 have had remedial investigations.

In short, DOD is committed, plans are made in place; 36 sites are on the national priority list [NPL], agreed to by EPA and DOD. It's those which have the worst problems.

Rocky Mountain Arsenal is No. 1 on the list—it is the worst, and restoration work is underway; 42 more sites are in line for early approval to be placed on the NPL.

H.R. 1056 would attempt to force a rapid acceleration which we all would desire, except that fuel for such an acceleration is taxpayers dollars. H.R. 1056 would siphon these off to fatten the treasuries of State governments and local agencies, thereby delaying the goals of DOD and all interested parties.

An example of what can happen is a \$15 billion shortage of O&M funds in the Air Force budget for 1988. As a result 88,000 Air Force civilian employees were faced with a 10-day furlough without pay.

Mr. Speaker, in its present form H.R. 1056 is not in the national interest and I doubt that it is even sound environmental legislation.

I do not come to this position without careful consideration of all sides of this issue.

I fully recognize that there is wide spread public dissatisfaction with Federal facility compliance with environmental laws and requirements.

It's evident that DOD has experienced compliance problems however with strong oversight from the House Armed Services Committee and with more dedicated Department of Defense environmental advocates, great progress has been made during the last 4 years.

H.R. 1056 also will allow parochial interest to flourish.

In fact in the last few years there have been increasing attempts by Members of Congress to earmark or legislatively raid DERA and DOD funds for lower priority cleanups.

We have been fairly successful in defeating these earmarking efforts with arguments that it is imperative that we spend the already scarce funds on the worst sites first.

Those which are at the point of endangering health or in some cases al-

ready causing environmental problems for adjacent communities.

The pressures for legislative earmarking are building. It's reasonable to assume that Members of Congress in powerful positions, will succumb to constituent pressure without appropriate restrictions which H.R. 1056 removes.

The environmental fallout from base closures and increasing pressure to address asbestos remediation associated with the demolition of old buildings on DOD formerly owned sites, will intensify the pressure for earmarking funds.

Frankly, if H.R. 1056 gives the States the means to interfere with and alter DOD cleanup priorities, how are we going to tell Members of Congress that they cannot do the same?

Frankly we cannot do so and the result will just be legislative anarchy and an organizational chaos.

The bottom line is that H.R. 1056 represents the newest extension of a compliance strategy that is inherently irrational and unworkable where DOD is concerned. In its present form, the bill will impair DOD cleanup efforts on a worst-first basis. It will also seriously complicate DOD efforts to deal with compliance requirements on a priority basis. Finally, it makes the regulatory process even less sensitive to cost and mission impacts associated with DOD compliance efforts. This is not a good law. It is not even a good environmental law, and I urge my colleagues not to support it.

□ 1510

Mr. Speaker, my final words are that H.R. 1056 is antidefense, it is anti-Veterans' Administration, and it is anti-NASA, because it affects all of those agencies.

THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FAWELL] is recognized for 60 minutes.

Mr. FAWELL. Mr. Speaker, the purpose of this special order is to allow a bipartisan discussion by Members of Congress in regard to the tremendously troubling problem of the Medicare Catastrophic Coverage Act of 1988.

This has been a problem for many of us here as we have tried to determine just what steps we would be able to take and, assuming that we will have the opportunity ultimately to vote—and it does appear that that will occur—just what we shall do about it. We have an opportunity, therefore, those of us who are partaking of this discussion to talk about the views that seniors have expressed to us, because I think there is some misconception about how seniors feel about this legis-

lation. They feel certainly very, very strongly about it, but there are those who have indicated that they do not believe that seniors really understand this complex piece of legislation.

Let me at the outset say that from my experience, that as I have talked to seniors throughout this land, and certainly in the 13th Congressional District of Illinois, I believe they certainly do understand all the ramifications of the Medicare Catastrophic Coverage Act of 1988. They have pushed their pencils, they have looked at it, they have read it and reread it, and they do not like what they see. Thus some of them have expressed themselves very strongly, and this, I suppose hurts some of the Members of this body who have worked long and hard to create the Medicare Catastrophic Coverage Act under the assumption that we were giving to the seniors of this land something that the seniors wanted.

Let me just express a bit some of the feelings that have been expressed. This was highlighted a few days ago when Joan Beck, a columnist for the Chicago Tribune, testified before a task force group here in the House and talked about the letters she had received, because she has written six articles on the subject. The letters were all rather critical in regard to the work product of this Congress. She cites the fact that she has had many articulate letters from people who were very much aware of what was going on, and she states, and I quote: "They feel Congress has pulled a scam on them."

The letters she testified, calls the Medicare Catastrophic Coverage Act a hoax, a sham, a rip-off, a catastrophe in itself, a nightmare, a clever ploy to soak retirees and to save the deficit, a sick joke, a swindle, elderly bashing, and in the words of a veteran from Bessemer, AL, a "financial Pearl Harbor sneak attack."

The people do feel very, very strongly about it, but as I have indicated, I think they also very much understand it. This is the first point that I think they have brought home to me, and, by the way, when I mention those strong words of dissent that seniors have expressed, in no way are they critical of key committee members of this Congress who have labored so hard to produce something that they hoped the seniors would actually see and feel as though they wanted. So in no way is this meant to be critical insofar as any Member of this body is concerned.

The fact is, Mr. Speaker, that we are mortal and we make mistakes, and sometimes we make real "doozies" of mistakes, and I think we have done so insofar as the catastrophic bill is concerned.

First of all, the seniors in my district came in very swiftly and they said:

We had assumed that when you used that word, catastrophic, in the title of the bill, you were talking about the number one catastrophe insofar as most seniors are concerned, and that is long-term custodial nursing home care.

And what they said to us is this:

You have gone, Mr. Congressman—

And I did not support this legislation, so they are referring to Congress in general—

you have gone in the wrong direction, and what you have done is to expand on the traditional areas of medicare coverage insofar as physicians' services and hospital services are concerned, and then you have added a budget-buster in the prescription drug coverage, which, it has been indicated, would have a shortfall of some \$4.7 billion at the end of the second year of its operation.

Then they said:

What we truly thought you were talking about was long-term custodial nursing home care, which to us is the number one catastrophe for which we cannot buy insurance in the open market and in regard to which we note that Medicare does not cover it at all. That is where we feel we are most vulnerable.

Many people, by the way, at town hall meetings have said to me that not only do the seniors feel this way, but speaking on behalf of the families in America in general, where they have mom or dad or grandma or grandpa, and so on in need of long-term custodial care, it is a real deep and serious problem.

□ 1520

Mr. Speaker, I see that my 5 minutes have passed by, but there are a number of people that I know that I would like to yield to.

First on the list, Mr. Speaker, is a gentleman from Pennsylvania [Mr. RITTER] who has worked very diligently on this area, the Medicare Catastrophic Coverage Act.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I'd like to commend the gentleman from Illinois for his leadership on this issue. As one of the only 72 House Members who voted against the Catastrophic Illness Act, I am encouraged by the groundswell of senior citizen reaction, both from my own constituents in the Lehigh Valley of Pennsylvania and across the United States.

The politicians in Washington are beginning to listen. At the time of the vote, many people said that the seniors wouldn't understand what this legislation was for; that they would think it was insurance against the financial catastrophe of \$25 to \$30,000 dollars per year for long-term nursing home or custodial care at home. We in the Congress are finding out, more and more, that the seniors do read, they do figure, they do understand. And, they don't intend to take this one sitting down in some proverbial rocking chair.

Congress was largely uninformed when it voted on the Catastrophic Act of 1988. 435 Members had some 2 hours to digest a couple of copies of the over 250-page bill. Most had to wait until after the vote for a 17 page press release to learn of the specifics of the legislation. Can you imagine a bill of this magnitude being so mishandled? No wonder this bill is called the Catastrophic Illness Act. It's a real catastrophe.

First, and foremost is the fact that this bill imposes a major new tax on senior citizens. A surtax, a tax on a tax, whatever you want to call it.

In, what is in many areas, a labor-short America, including my own district, we have a Tax Code for seniors that is undermining their values of self-sufficiency, their incentive to work, save, and invest. For example, some employed middle income senior citizens now face marginal tax rates of some 100 percent, while self-employed seniors can face marginal rates of almost 120 percent. When all added income from employment goes to pay taxes, it's not worth working. Is that the kind of signal we wish to send seniors who are living longer, healthier lives and when 65 is no longer old?

The new Medicare surtax could be the straw that breaks the camel's back as we ask seniors to consider re-entering the work force. Why would they want to work when they must give back 50 percent of their earnings above \$8,800 (known as the Social Security Offset) immediately to the Government, pay the usual Federal income taxes and Social Security taxes (FICA), pay taxes on Social Security benefits when income is above a certain level and now incur yet an additional 15 percent surtax which is slated to rise to 28 percent by 1993? And this doesn't even take into account sharp increases in Medicare Part B premiums over that same period.

In one case I've read about, a 66-year-old woman with a job paying \$13,936 dollars a year, receiving a pension and Social Security benefits, netted an income of \$25,224. After a \$1500 dollar raise, her net income actually dropped to \$25,197 because of ridiculous tax rates at the margin. That is, a \$1500 dollar increase yielded \$27 dollars less income. She is earning more but keeping less and still has to pay an increased Medicare Part B premium.

This is insane. Are we out to shatter the hopes, dreams and aspirations of an entire segment of our population? Are we about to do without now that we need them, the skills and abilities honed over a lifetime?

And all this comes only 2 years after passage of Public Law 99-592, prohibiting age discrimination. We passed the late Senator Claude Pepper's legis-

lation to eliminate age discrimination which barred employers from establishing mandatory retirement ages.

If people who have worked, saved and invested all their lives to help provide for retirement years get the message that their taxes will soar after retirement, look out!

If senior citizens spend intelligence, time, energy and money to minimize their taxable income well beyond what already exists, look out for a ballooning deficit.

And then there are those who are planning for retirement who will see tax mayhem at age 65. They too will lose incentive to save and invest.

This decrease in savings and investment will not only lead to more reliance on federally funded programs, but will deplete the capital pool, the money available for American industries to borrow for modernization and investment in research, production, and jobs for the future. Reduction in savings by a society already deficient in savings will make financing of our Federal deficit more difficult and more expensive.

Ladies and gentlemen, as public policy, such tax treatment of senior citizens is a disgrace. The new surtax pays for a program that senior citizens never wanted and never asked for. There was a lot of input from huge lobbying interests, but were these interests really in touch with their grassroots constituencies, were they listening to their own members?

Then, we have the spectacle of further weighing down an already overburdened Medicare program with a new insurance program that replaces an existing one in the private sector.

In a survey conducted by the Wirthlin Group, 84 percent of seniors polled, said that they "have medical insurance in addition to Medicare." That's right, 84 percent.

A healthy, competitive insurance market exists right now to supplement Medicare with a range of benefits and a range of costs. Why replace it when it has been working pretty well, when seniors have been generally satisfied with its performance?

And, in addition to substituting for private supplemental insurance programs, seniors are now going to have to pay for previously secured benefits via the new surtax.

Taking up a baseball metaphor, this catastrophic bill is one well-hit, long and foul ball.

Seniors invested many of their working years with the understanding that their union and non-union employment agreements included these retirement benefits. Obviously, employees who are anticipating retirement benefits are willing to take either less pay during their working years or fewer benefits in exchange for future security and well being. Now those employees feel they gave up immediate

rewards for long range benefits that they now must pay for. Had they known then, what would happen, they could have gotten more benefits in direct wages from their company while they were working and relied much more on the Federal Government to support them when they retire. What a policy. What incentives provided by Government! No wonder we are living in an era where people are spending it all rather than saving for a rainy day.

The really sad part is that the Federal Government is using up both seniors' capital and their patience with this catastrophic plan. Long-term care which so many of us hear about so often has been shelved as long as the catastrophic bill has been on the table.

When asked in the Wirthlin survey, "Do you prefer Medicare Catastrophic Coverage or a new long-term care program?" only 19 percent responded positively to the Medicare coverage; 65 percent preferred long-term coverage and 14 percent said they "didn't know."

We've missed a golden opportunity to address long-term care. Let's change that.

Having been the first Member of Congress to sponsor a bill this session to repeal the Medicare Catastrophic Act of 1988 and having been active in establishing a bipartisan advisory group to study and develop proposals to provide protection against excessive cost of catastrophic illness beyond the scope of current Medicare coverage (H.R. 332), I would like to call attention to the 44 groups who formed a coalition to support the McCain amendment. This coalition that has rallied support for the McCain amendment is making great strides to inform and represent the people back home. I commend their efforts.

This amendment, originally introduced as S. 335 by Senator McCAIN preserves the long-term hospitalization and spousal impoverishment benefits which became effective in 1989.

I have cosponsored its House companion, H.R. 1564, the DeFazio/Tauke Medicare Catastrophic Coverage Revision Act of 1989. It defers the surtax and other part B benefits for 1 year, kept a \$4 monthly part B increase which helps fund the unlimited hospitalization for catastrophic illness. Mr. McCAIN's amendment lost narrowly in the Senate by 51 to 49.

In the Energy and Commerce Committee, we passed a sense of Congress resolution to make the Catastrophic Illness Act voluntary.

Administration officials and Ways and Means Committee members are struggling to change this catastrophe. Right at this moment the Ways and Means Committee members are considering a variety of options including repeal of the bill altogether, repeal of premiums, and even taxing beer and wine.

The substance of their deliberations is very likely to be seen in the reconciliation package, due to come before this House by the end of July.

I say we in the House do the right thing and repeal this foul ball.

Returning to the baseball metaphor: this has been a night game with no lights. Let's run 'em on!

Let's vote this time in the light.

□ 1530

Mr. FAWELL. Mr. Speaker, I thank the gentleman also for his very fine remarks.

Mr. Speaker, I yield to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I rise today to voice my continuing opposition to the Catastrophic Health Care Act. When we passed this into law last year, I believe it was a well-intended effort.

However, after more and more benefits were added and the dust finally settled, the final product turned out to be a costly initiative that most senior citizens did not want and one for which they certainly did not want to pay.

The primary reason I opposed this bill was the huge cost increases levied on the backs of our senior citizens. By passing this law, we penalized those who scrimped and saved throughout their lives so they would not be a burden to society or on those they loved. We punished them, pure and simple.

Now, since our seniors have found out what we did to them by passing this law, there have been dozens of bills introduced that at least call for hearings on the Catastrophic Health Care Act, if not to alter or repeal it.

Fully 238 of my colleagues in the House have signed onto one or more of these bills. Yet we can not seem to get the House to hold committee hearings on it nor can we bring the issue to the floor.

Mr. Speaker, it is high time we do something about this unfair law. This law is a real danger to Medicare, it raises the taxes on our senior citizens, it will not help the vast majority of them, and it does not even begin to cover their real fear—long-term nursing home care or custodial care.

The law is specifically designed so that no more than 7 percent of our senior citizens will benefit from the cap on physician expenses. It has been estimated that less than 4 percent will benefit from the cap on hospital expenses, and no more than 16.8 percent will ever qualify for the copayment provisions under the brandnew prescription drug program.

I do not know who we were trying to help by passing this law but it certainly is not a good deal for our senior citi-

zens. We need to lift the burden we have unfairly placed on our seniors, and we need to address their real concerns, not those we imagine they may be worried about.

For once, let us listen to what our seniors are saying. Let us start over and come up with a bill that will help our senior citizens, not hurt them.

Mr. FAWELL. Mr. Speaker, I thank the gentleman also. He makes an excellent point that we should listen, and I think Congress certainly now is listening and listening quite diligently in regard to what the senior citizens are saying.

In the last couple days, with all due respect to the Committee on Ways and Means, they are certainly looking at this problem again and perhaps they will be able to come up with a solution that can be extremely helpful here. At this very moment I understand they are laboring on that particular problem.

Mr. Speaker, I yield to my good friend, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, let me commend my Illinois colleagues for the strong leadership in this area that he has shown and thank the gentleman for allowing me to join him in this special order.

Mr. Speaker, no issue has generated more interest among my constituents than the passage of the Medicare Catastrophic Coverage Act; not child care, not the congressional pay raise, not even the closing of Fort Sheridan in my district, nothing has generated anywhere near the concern expressed by senior citizens in my district angered by the catastrophic care legislation.

Although this law was passed with the good intention of providing needed care for the elderly, Mr. Speaker, most House Members had no idea what was actually in the bill. It was rushed to the floor from conference and Members were told to vote for it because senior groups had signed off on it. Most Members did so.

I was 1 of only 72 House Members who voted no. I have worked with the gentleman from Illinois ever since to repeal it.

Why? Because 80 percent of senior Americans already have some form of Medigap post retirement or employer provided coverage. Now they are getting duplicate benefits at a higher cost. Because, more importantly, Congress completely ignored the No. 1 health care concern of seniors: long-term care. Seniors now realize that instead of addressing the real issue, the truly catastrophic cost of long-term care, Congress ducked the tough decisions to have something that sounded good, until you looked at the substance.

Finally, because of the financing mechanism adopted by Congress to

pay for the new benefits; although I agree completely that any new program should be paid for and not added to the deficit, Congress is trying to have it both ways with the Catastrophic Program.

□ 1540

On the one hand, it has the characteristics of an insurance program, with beneficiaries paying a \$4-per-month premium to receive coverage. On the other hand, it looks like a general entitlement program, where some seniors pay an additional premium based on income tax liability.

Which is it? If it is an insurance scheme, then all seniors should pay the same amount for the same coverage. If it is a general entitlement, then seniors should not be singled out to bear the total costs of new benefits.

Most distressing of all, the Catastrophic Program may become insolvent within the next several years. The Health Care Financing Administration [HCFA], which is charged with administering the new benefits, estimates that the prescription drug benefit reserve will be exhausted within 1 year, and will be \$4.5 billion in the red by 1993.

Mr. Speaker, the Medicare Catastrophic Coverage Act should be repealed. Poll after poll confirms that the majority of senior citizens do not want this new coverage. The do not need it, and they cannot afford it.

What they do want, and what they do need is long-term care coverage. We should scrap the Catastrophic Act and start over on the real issue of financing long-term care.

Mr. FAWELL. If the gentleman would pause, I would like to report that the CBO now agrees that, indeed, insofar as the drug program is concerned, there will be a shortfall of \$4.7 billion by 1993, and they warn that these figures are just healthy guesses. Nobody knows what the demand will be, and so the gentleman is quite correct in pointing out those admonitions, and I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California [Mr. LAGOMARSINO], who has some comments in reference to this matter.

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to join my colleagues in support of HARRIS FAWELL's motion, House Resolution 191, which would allow for the immediate consideration of H.R. 2770. This bill parallels Senator McCAIN's amendment and would delay implementation of the effective dates of the Medicare Catastrophic Coverage Act for 1 year.

I want to commend him and all of my colleagues who are engaged in this effort.

The Medicare Catastrophic Coverage Act which became law last year places an unfair surtax on many people who already have health insur-

ance or have otherwise made provisions for health care.

We must take responsible action to change this law. We cannot ignore our seniors who have let us know in no uncertain terms how they feel about this law. The people I hear from have expressed the sentiment "Why should I pay for something we don't want or need." Most of the letters I receive all echo that same complaint. That is, that in order to ensure that they would be able to take care of themselves in their old age, many sacrifices were made. Now they are told they must participate in a program which is costly and unnecessary.

At a series of town meetings in my district during the July 4 recess, catastrophic insurance was the No. 1 concern expressed, often in very heated terms, even eclipsing outrage about flag burning.

Many attempts have been made this year to get this measure revisited. Thus far, all such attempts have failed. Hopefully, today's effort will be more favorably received.

We have an opportunity with this discharge petition to let our senior citizens know that we do listen and that we intend to do something about this discriminatory law.

Mr. FAWELL. Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE], who has been extremely active in this matter of the Medicare Catastrophic Coverage Act along with his Senator, Senator McCAIN, from the great State of Arizona.

Mr. KOLBE. Mr. Speaker, I have heard from over 1,300 seniors from my district about the Catastrophic Protection Act, twice as many as wrote concerning the congressional pay raise. This issue has also been raised at every townhall I have held since the first of the year. Out of all this outcry, I can count on one hand the voices that have spoken in favor of the Catastrophic Protection Act. This is not a few displeased constituents; this is the public yelling its outrage.

When President Reagan and Secretary Bowen started the ball rolling on catastrophic protection they had some pretty sound ideas. They wanted to reduce the out-of-pocket expenses incurred by Medicare beneficiaries suffering from acute illnesses. This would have been paid for by an across-the-board Medicare part B increase. Simply put, the premise that every senior pays the same amount to gain equal services was maintained.

The final product that emerged was a completely different animal indeed. We ended up with a mandatory package of tax increases for middle-income seniors, expensive benefits that only a few seniors would be able to take advantage of, and almost no mention of the true catastrophic cost seniors face: long-term care. When I showed this

legislation to the Arizona Association of Retired Persons and other senior advocacy groups they all told me not to support this legislation. They said it would hurt seniors more than it would help them. I am glad I followed their advice.

The Catastrophic Act has created havoc for senior citizens, particularly for those who had so carefully planned for their futures and their health care. Many seniors have told me of the inadequacy of the Catastrophic Act. There are serious gaps in the coverage offered by the act. The biggest gap is the complete lack of what seniors need most: home care and long-term nursing home care. In addition, studies have shown that only 4 percent of Medicare beneficiaries will benefit from the provisions and benefits in the Catastrophic Act. We are forcing seniors to pay exorbitant prices for coverage they do not want, will be unable to use, and which fails to meet their needs.

Some who persist in defending the act have arbitrarily dismissed the growing clamor from seniors as the griping of rich seniors upset with paying for so-called freeloaders. I find this arrogance demeaning and patronizing to seniors and the record needs to be set straight. The surtax is not a tax on the wealthy. It is a tax on middle-class senior citizens with modest incomes. An example provided by the Reserve Officers Association [TROA] during a recent hearing of the Republican Research Committee Task Force on Catastrophic Care fully illustrates the severe impact of the surtax. A couple with a taxable income of \$52,465 will pay the maximum surtax of \$1,600 in 1989. In 1990, because the surtax rate increases 67 percent—from 15 to 25 percent—the taxable income threshold at which a couple would pay the maximum surtax of \$1,700 drops to \$39,000.

One direct result of the surtax is a change in investment and savings behavior on the part of seniors. Some retirees are shifting investments could be into tax-exempt options to reduce the flow of income subject to the surtax. This has serious economic implications. The shifting of retirees' wealth into tax-exempt securities from family business, stocks, bank deposits, rental real estate, and other income-producing assets could have a negative impact on economic growth in the future.

More and more seniors will be forced to simply consume their savings and assets at a more rapid rate. This could be a disastrous economic result for our country. It would make the national capital stock smaller and therefore would reduce future growth of income and employment. Additionally, it will increase the pressure for expanding Government benefits to support retirees when their money runs out.

We also need to consider the current generation of working people. Like people who are already retired, those working today, who are aware of the tax burden they have to look forward to, can shift their investment strategies toward tax-exempt securities and to housing and other durable goods that yield nontaxable services. These shifts will only worsen the detrimental effects on national economic growth that the shifts of income made by current retired people will have. Unfortunately, these detrimental effects will be much greater, because the generation due to retire after the turn of the century is much larger, potentially wealthier, than the current generation of retirees.

We have a chance to correct this big mistake. By supporting the approach offered by my Senate colleague, JOHN MCCAIN, an idea embodied in Mr. FAWELL's bill, to delay further implementation of the Catastrophic Act we can fully examine the ramifications of this expansion of Medicare. More importantly it will allow numerous seniors to come to the table to voice their thoughts and suggestions on the proper approach for coverage, seniors who were denied a place at the table when this was considered 2 years ago.

The McCain approach is very simple and does not prejudice what course Congress should take to remedy this faulty legislation. Many of us have supported legislation to repeal, delay or overhaul the Catastrophic Act. There are merits to all of these approaches that should be expressed. The bill introduced in the House by my friend from Illinois will allow for the consideration of all options.

But there is one option that should be rejected out of hand: shifting the cost to current employees. This looks distinctly like a turkey and it should be treated that way. Any attempt to raise deductibles and modify benefits only indicates the complete misreading of senior's needs and wants. Sure they are upset about the surtax, but they are upset because it does not go to pay for long-term nursing home or custodial care. Many of my senior constituents have told me they wouldn't mind the surtax, so long as their true needs are met. Shifting costs and juggling benefit levels is not the answer.

Unfortunately, the House leadership has seen fit to ignore the pleas of seniors. The House has yet to have a standing or select committee even schedule hearings on the subject. Thus, we are forced to exercise a fairly extreme procedural option in the form of a discharge petition to bring this bill to the House floor where it can be debated in an open forum.

We listened to the people when they demanded a vote on the congressional pay raise; we must listen again on this issue. I thank the gentleman from Illinois for taking this special order to air

some of the deficiencies of the act and for the tremendous leadership he and the cochair of the Catastrophic Care Task Force, Mr. ARCHER, have shown in the face of great institutional obstacles.

□ 1550

Mr. FAWELL. Mr. Speaker, the gentleman's point, I think, is very important. A lot of people do not give the seniors credit; they assume they are just selfish people who do not want to pay an enlarged income tax. I admit that certainly is the worst way to finance this bill and it is not a fair tax. But they are very, very concerned about the fact they are being asked to self-finance something that they do not want, that does not meet, as the gentleman indicated, their true needs.

When the gentleman hit that point, I think he hit the salient point here. If we tell people that it is your job to self-finance a Government program, at least it would seem to me we owe them the responsibility of saying, by the way, what do you believe is your prime catastrophic needs, because we do not want to treat this as a general entitlement, as the gentleman from Illinois [Mr. PORTER] indicated. If it is going to be something the seniors are paying for, we would like to have them paying for something they really want and something they really need.

Again I thank the gentleman and think he makes a good point when he stresses this.

Mr. KOLBE. The gentleman is absolutely right. Senior citizens are willing to pay their fair share of taxes, but whether it is senior citizens or any group in this country, if we make them pay for something we have to deliver the services intended. In this case we missed the mark. We are making them pay, we are making them pay megabucks, but they are not getting any of the services they need for this or that were intended from this.

Again I thank the gentleman for yielding.

Mr. FAWELL. I would add that I think oftentimes in Congress we think "one way for all" is something that can fit every American, and when we mandate those kinds of benefits we are always amazed, I think, to find out that this does not fit the myriad of circumstances out there, especially when we for years have tried to influence employers to provide health insurance for seniors. We have the private insurers in there, and then we devise a plan here that elbows out the private insurer, and we are surprised when a lot of people say this one way for all, this master insurance policy does not fit us, and we seem to be shocked when we hear people saying this. Some, I think, even believe they are ungrateful for the grandiose job that Congress

did, and they should be grateful for our expertise.

Mr. KOLBE. The gentleman's point is well taken, and again I thank him for the time.

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Arizona.

I yield to the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I represent a constituency that includes a large percentage of retirees and elderly. They are not rich, and many live in rural areas. That combination means that we in south Mississippi are in a constant struggle to find available, affordable, and good—not just adequate—health care.

There is a need for catastrophic coverage in south Mississippi because most senior citizens are not able to pay the phenomenal cost.

But the situation presented to middle-income senior citizens with the Catastrophic Act of 1988 is just as cruel as the situation its authors were attempting to address last year. Middle-income elderly are having to deplete their savings to pay the cost of the coverage. Not just for themselves, but for the bulk of elderly Americans.

The elderly are afraid. They have live in fear of a health catastrophe that would deplete all their savings and assets. Now they live in fear of being bankrupted by the catastrophic surtax.

I urge Members of Congress to change the financing system for catastrophic coverage, to ensure that middle-income elderly do not bear an unfair tax burden for its benefits.

We owe it to them to act swiftly on a remedial measure.

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Mississippi.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Speaker, first I want to thank the gentleman from Illinois [Mr. FAWELL] for giving me an opportunity to speak during this special order. This special order demonstrates the continuing commitment of our task force on catastrophic health care to repeal or change the catastrophic health care law and find a more equitable means of providing care to the elderly.

Let me take a moment to review how we got into this mess and what I believe the authors of the catastrophic bill neglected to consider when forming this legislation.

The catastrophic health care law should have been intended to provide expanded hospital coverage for those Americans who needed it, not for those who already had it. Those who needed the coverage provided in this bill only constitute about 20 percent of the elderly in this country. The au-

thors neglected to consider that the other 80 percent were covered for so-called catastrophic expenses through private insurance, Medigap insurance, pension-driven health plans or Medicaid. The result was an astronomically expensive health care program forced upon those who do not need it, do not want it, and in many cases cannot afford it.

That is not right. It is yet another example of Congress using a shotgun to hit a small target when using a rifle shot approach would have been much more effective and efficient.

In terms of its costs, the catastrophic bill represents the largest expansion of Medicare since its inception in 1965. However, it is estimated that less than 1 percent of the 32 million Medicare participants will benefit from the expanded hospital provision.

In addition, only about 7 percent of the elderly will benefit from a provision which calls for Medicare to pay 100 percent of physicians' fees and services over the \$1,370 out-of-pocket limit. Yet 100 percent of the elderly will pay increased Part B premiums, and about 40 percent will pay increased income taxes to pay for the program.

In short, never have so many paid so much to benefit so few so little.

Certainly the authors did not intend to place such a burden on the elderly, but that is what has happened. I hope we all note now the consequences of passing this law.

□ 1600

Across the Nation millions of senior citizens have expressed their outrage over being forced to pay for health care insurance which they already had, usually at a lower cost.

Congress has a responsibility to respond to this outcry. The elderly feel that the architects of the catastrophic health care law misrepresented its actual impact. They also believe that despite its magnitude, the law fails to address the primary concerns of the elderly in this country who have long-term insurance institutional care, nursing home care, and home health care.

That, combined with the tremendous cost of this is estimated to be nearly \$1 trillion over the first 20 years, is why Congress should repeal this law, go back to the drawing board, figure out a better way to address the real needs of the elderly in this country.

Mr. FAWELL. I thank the gentleman for his contribution.

Mr. Speaker, a lot has been said here this afternoon, and as I mentioned in my opening comments, seniors all believe we have gone in the wrong direction.

There are three ways, I guess, we could expand Medicare. First, in terms of the acute care which has been tradi-

tionally Medicare services, hospital and physician services, and then second, long-term in-home health care and third, long-term custodial nursing home care.

I have never been to a meeting yet of senior citizens where that question was asked where they did not rather unanimously say long-term custodial nursing home care is what they most need and want, yet have been asked to self-finance an expansion of acute care Medicare services—hospital, physicians—and a new prescription drug program, and do more than that, to subsidize such expanded services for a large group of other people less fortunate, who do not pay income taxes.

I suppose some very clever ones who do not pay income taxes are among the wealthy. But roughly 40 percent of seniors who do pay income taxes have to pay two-thirds of the cost of this catastrophic care bill by means of a new tax upon a tax, and it is an open-ended new income tax.

As we all know, income taxes when they are born, they never die.

So it is a real problem. There are the seniors who have done everything we have asked them to do, to save and scrimp and put aside for their later years. We are not talking about wealthy people. The very wealthy can afford this. They are even protected by a cap on the maximum supplemental income tax, the tax on the tax which is involved here. The very poor have Medicaid.

But in between, who supports and makes America? The middle class, the middle-income people. And they are the ones that we center in here and say, "This is your responsibility of self-finance, but more than that, to subsidize others because very frankly we, the Federal Government, are broke." So, when you cannot tax and spend, you cannot borrow and spend, and you do not dare print money, the only way, the only other way to come up with social progress is simply mandating the responsibility on others.

Some newspapers say it has to be a progressive tax. Well, it is a special income tax on a special group of people. I do not think however that there is a special group of people anywhere in America who want to be singled out with a special income tax.

I am not against progressivity; I do not believe seniors are. But in this kind of a bill, the way in which is set forth, you could not have worse financing than what we do have.

So they are talking about if, Congress, you are going to amend this act, if you are going to do a lot of things to try to correct it, my gosh, go in the direction of long-term custodial nursing home care; don't continue going down the road you are going down right now. That is not what we the people who are certainly going to be expected

to pay a portion of this, are thinking about.

When you think about long-term custodial care, nobody is suggesting that the Federal Government pay the whole cost. That would be impossible. But you could talk about something where you had deductibles for the first couple of years, for instance, and then the Federal Government in conjunction with private insurance and seniors, all three, could come in and make an attractive program that could at least begin to help what is a national number one catastrophic problem for most every family in America either now or in the future.

As has been indicated, we do have the ability to buy insurance insofar as the portion of the health care which is covered by the catastrophic bill. Seventy to eighty percent of all seniors have private insurance coverage, employer-provided or purchased in the market in Medigap insurance.

What we are doing, of course, is elbowing out private industry that has been in there for years and all the rest of our policy in this Government of ours is devoted to try to give incentives to employers to have health care provisions. Now we are going to elbow them out and tell them to get out of this field, that the Government can take over with a one-way for all, one master insurance policy that fits everyone, and not make it voluntary.

The mere fact that you are eligible for Medicare, you are stuck, even if you are, say 67 years of age and you work for a company and you have insurance coverage and you do not need Medicare. Nevertheless, you are still stuck with this income tax and the obligation to not only self-finance, but self-finance something you don't need and to also subsidize others.

You know, we have the euphemistic title of supplemental premium. We did not even, I think, come forward and really let the seniors of this Nation know what it was on income tax. AARP knew all about it. But AARP I do not think did a very good job in communicating with their membership to say, "By the way, folks, are you aware this bill is two-thirds financed by special income tax on seniors? That you will not only self-finance but to subsidize two-thirds of the total cost by means of a tax on a tax which means you have a double hit?"

A double hit means that every time from here on out in this open-ended income tax, every time Congress redefines what is gross income, subject to the income tax, then the seniors will get hit twice; first in the expansion of the definition of income or in the changing of the income tax rate, and then once again a tax upon the increased tax. And also it breaches every promise that every person in this body

made when we passed the Tax Reform Act.

We said we took away tax deductions and tax credits or income exclusions and shelters and things of this sort, and we took them away from seniors too, we said we would not then bring the income tax rate back up. And we kept our word except for one group of people, the seniors of America are picked out to have special income tax upon an income tax.

Again those who have done everything we have asked them to do. And by the way, they fought World War II, rebuilt America, the suburbs and all that, have finally come to the point where they save for their later years and they are the ones who have restricted income not only because of age but because, for instance, of the proscribed ability to earn \$1 of Social Security for every \$2 earned is being taken from them. So in effect we are saying, "You are going to pay this, as a practical matter, as far as middle-income America is concerned, from your savings, from your capital." And when they bring the money out, for instance, from income tax-exempt funds which they have put away in their working years, lo and behold, they get a big fat increase of tax just because they happen to be seniors.

Well, that is why the seniors do not like this bill. It has gone in the wrong direction. It has used the worst of all kinds of possible financing of a special tax upon income tax.

With a great deal of negotiating going on right now, I can only say, and this is repeating a bit, but only say that I hope if Ways and Means is going to try to recreate or regenerate or rechange or amend this bill, by gosh, I hope that they have heard the great middle-income, middle-class people of this Nation of ours in regard to what kind of catastrophic insurance expansion they need.

They want you to go in the area where Medicare now does not cover and where, as a practical matter, you cannot buy the insurance on the open market. That is long-term custodial nursing home care, embraced really by just about every family in America. And I hope that Congress is listening.

I hope that the people out there who are listening, too, might be renewed in communicating with their Members of Congress to bring their points across.

Every once in a while, Congress in its wisdom makes big mistakes. We made a bad mistake, not intentionally. I did not vote for the bill, as I have said before. Congress thought it was doing something for the benefit of the seniors.

But the next time, before we do anything more, please let us talk with the seniors of America, not just the AARP or the groups that say, "We represent them," but go out into the hustings,

go out into the rural communities, to the middle-class people of all America and ask them, if they are expected to start paying for some of this—and we recognize we have got the debt and the deficit problems—"What is it that you most want, because we are going to ask you to pay for it and we certainly want to know what is it that you need the most." You will hear the message: "Long-term custodial nursing home care."

□ 1610

CATASTROPHIC HEALTH CARE

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

Mr. GOSS. Mr. Speaker, I would like to thank my good friend, Mr. FAWELL, for his assistance providing an avenue for the issue of catastrophic health care to be heard on the House floor, today, as a special order. I would also like to commend my good friend for all of his other efforts as leader of our task force to resolve the catastrophic health care problem.

It is clear that I, along with my fellow colleagues speaking today, feel compelled to rectify the shortcomings of the Catastrophic Health Care Act, not just the financing methods, but all of the shortcomings, before much more of it becomes implemented. We owe it to our constituents to go back and take another look because it is impossible to deny the legitimacy of the many questions raised about this act throughout the Nation. We can not close our ears and pretend the uproar is not there. It is real and we all know it.

We also know that we have been fighting an uphill battle to get this issue back to the House floor. I believe that we are reaching the top of that hill and I think the interest in the special order signifies that others do also, on both sides of the aisle.

Along with many colleagues, I am cosponsoring legislation in the House to repeal or delay the Catastrophic Health Care Act. In order to eventually bring one of these measures to the floor, I have pledged to sign a discharge petition for a proposal introduced by Mr. FAWELL, which is nearly identical to Senator McCAIN's amendment. I urge each and everyone of my colleagues to sign that petition so that a discussion on the Catastrophic Health Care Act can begin as soon as possible—hopefully right after August recess.

I believe that the Catastrophic Health Care Act is an example of legislation that was well intended but not carefully thought out. It does not do what it advertises. It does not deliver what was expected. In my opinion, the

bill does very little if anything to solve the most devastating of all catastrophic health concerns—addressing the long-term care needs of our senior citizens.

Currently, under the Catastrophic Health Care Act, seniors are being asked to pay more money for benefits that they either do not need or in some cases already have. Senior citizens are strenuously objecting to mandatory participation in a costly program of apparently small benefits. They feel trapped with no way out.

There is a virtual revolution among senior citizens who feel violated. As one of my constituents put it, "I think older Americans were promised a Cadillac, got a Volkswagen and are paying for a Rolls Royce."

There is no doubt that the No. 1 constituent issue in west coast Florida is the Catastrophic Health Care Act. My office has steadily received thousands of letters of informed complaint from constituents who are already covered through private and employer-provided insurance. They would prefer that any expansion of Medicare be for long-term custodial care, an area presently not covered by Medicare or practically speaking, by private insurance.

As we all now know, the Catastrophic Health Care Act is a mandated benefits program financed solely by those on Medicare, who are required to pay a supplemental premium on their income taxes. In this way, a portion of our seniors are stuck paying the bulk of the costs for all beneficiaries. We did not ask our senior citizens if they wanted these new benefits, yet we are forcing them to pay the bill. It is patently unfair to force 40 percent of the elderly population to pay for 60 percent of a program that they do not need and now say they don't want.

Because of the Catastrophic Health Care Act and other legislation, our seniors have one of the highest tax rates of any other group of individuals in this country. They are facing the possibility of marginal tax rates as high as 122 percent. This is outrageous. If you combine the surtax with the earnings test along with the taxes seniors pay on their benefits, an individual can exceed a marginal tax rate of 100 percent. We are financially crippling some of those who have been or who are hardworking and productive and who deserve fairer treatment from their Government. I think this is unintentional, but I can't understand why we haven't done anything, yet, in this Congress.

To make matters worse, a surplus created through implementation of the income tax surtax is apparently being used to help balance the Federal budget. This may make sense to those who are dutifully trying to follow Gramm-Rudman, but it makes no sense to millions of senior Americans

who are trying to balance their own budget.

The message that I am getting is unmistakable. Senior citizens are demanding that we reform the Catastrophic Health Care Act. In May, I hosted four town hall meetings throughout southwest Florida, providing a forum for people to voice their comments about this law. More than 3,000 showed up—it was standing room only and we actually were forced to turn away over 100 seniors, because of fire laws at one location. The tension and anxiety were immense. And when all was done—it was virtually unanimous—kill catastrophic before it kills us.

I asked the audience if they wanted the Catastrophic Health Care Act repealed or revised; every hand in the audience was raised.

That was May; in June, angry senior citizens through all parts of the district spent \$330 to charter a bus to the AARP headquarters in St. Petersburg, FL. They made the 1½-hour trip to protest AARP's support of the Catastrophic Health Care Act. They call themselves the Seniors Opposed to the Surtax [SOS], and they are sending a message to Congress and the AARP's national leaders to repeal the Catastrophic Health Care Act. They received national media attention.

I understand that the national AARP continues to support the law as enacted. Mr. Chairman, I submit for the RECORD a letter given to the seniors opposed to the surtax by the Florida State director of AARP stating, "It is the consensus of the chapter presidents in Florida that AARP national should recommend to the Congress that impelmentation of the legislation should be delayed until such time that a fairer arrangement of financing it could be developed." I hope the national AARP takes notice.

The letter follows:

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, June 14, 1989.

Mrs. LOUISE CROOKS,
President, American Association of Retired
Persons, Washington, DC.

DEAR MRS. CROOKS: This morning at approximately 11:15, a group of about forty-five persons from Venice arrived on a bus at our State Office in St. Petersburg to present their opposition to the Catastrophic Health Bill. Shelley Davis and I met with them and with representatives from radio, television and newspapers from around this area. Members of the group did walk up and down beside the bus carrying placards about AARP's position in supporting the Catastrophic Health Legislation. A group of three persons representing the larger group came into the State Office conference room and met with Mrs. Davis and I for approximately fifteen minutes. They asked me to send their letter to you, which is enclosed.

Essentially, their position is that AARP should support delaying implementation of the Catastrophic Health Legislation and that a review of the financial arrangements

in the legislation be made. They believe that the financial arrangements contained in the legislation are blatantly discriminatory and unacceptable. They also expressed the view that AARP National was not listening to nor supporting the views of its members.

The position of AARP was explained to them as contained in the Board of Directors statement that AARP was willing to accept recommendations for alternatives to financing the legislation but was unwilling to delay implementation of it.

The group asked about recommendations contained in my report to the Area Vice President, copies of which were sent to appropriate personnel in Washington, concerning ten Cluster Meetings I held with Chapter Presidents around our State. I advised the group that it was the consensus of the Chapter Presidents in Florida that AARP National should recommend to the Congress that implementation of the legislation should be delayed until such time that a fairer arrangement of financing it could be developed.

I have told you about May, I have told you about June—now it is July and the drumbeat of opposition continues to grow stronger. I would not be surprised to next see a protest by senior citizens outside those doors on the Capitol steps.

Mr. Speaker, the people in my district have labeled the Catastrophic Health Care Act as worse than taxation without representation. They call it taxation with misrepresentation. This Congress must respond. The time is now.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Florida [Mr. Goss] for yielding. I want to commend both the gentleman from Florida and the gentleman from Illinois [Mr. FAWELL] for taking this time to speak on this matter which is of such urgency to all of our seniors around the country. Mr. Speaker, I am joining my colleagues in trying to represent to our constituents, the media, and to each other just what has been happening, as far as Medicare catastrophic coverage has been so far, and what we hope it will be in the future. Hopefully, the very near future.

This has been and still remains a complicated issue, maybe even more complicated by politicizing catastrophic. That is the sad thing. Like virtually all of my fellow Members of Congress and those in the other body, my Washington office, my district office, and even my home, have been deluged with letters and phone calls from senior citizens urgently requesting that something be done to remedy the catastrophic mistake. Each time we roll up our sleeves to get to work to draft a thoughtful, honest, and accurate response to those thousands of concerned and sometimes frantic citizens, the entire picture changes almost immediately. We all seem to

have been on a merry-go-round about catastrophic, but the brass ring continues to elude us.

Very simply, Mr. Speaker, the people have spoken, and they have said, "Do something about it." No. 1, they do not want to pay the heavy surtax imposed on them by catastrophic. They feel the financing of catastrophic is not fair. More importantly, most of these seniors have prepared, over the years, to take care of themselves and made other provisions, and as many of them have said to me:

I denied myself, and my wife denied herself of many, many pleasures while we were working and while we were younger, so that we would be able to take care of ourselves, and now we have the extra money, they are going to take that away from us as well and penalize us for it.

□ 1620

Second, they say:

What you are telling all the other people working and all the others coming up is, don't save anything, spend it all so that the government will provide all of the medical coverage for you, and you won't have to pay anything.

Those are the two things that we must watch for that are developing under this catastrophic bill program.

No. 2, they want to feel confident that the information they are given is correct, and that we can trust the numbers being used to calculate what is possibly one of their biggest annual expenses, their health.

Last week we learned that the projected surplus from the surtax was incorrect, thereby making a reduction in the surtax difficult without major cuts in the benefits.

No. 3, they want to know that their Representatives in Congress are truly looking out for them and not letting the politics of a big issue reflect the result. Let us worry later about where to lay the blame for the mistakes and how to spread around credit when and if we ever do get catastrophic to be a fair, effective, and acceptable program. We are all in this together.

The Medicare Catastrophic Coverage Act that passed in both Houses and was signed into law by the President was a mistake and must be fixed. It is a tough thing to admit, but until we collectively are able to do so, this will fester until it is too big to handle and we will all be big losers, especially our senior population.

The Ways and Means Committee of the House has been trying to work out a compromise package for the past 2 days in closed hearings. This morning in a budget hearing with Richard Darman, the head of OMB, the gentleman from Illinois [Mr. Russo] said he was going to be introducing this afternoon in the Committee on Ways and Means legislation to repeal the catastrophic bill. So there is a lot out there going up and down, and as I said

earlier, things are changing momentarily.

The issues and questions being raised are these: If benefits are to be cut so that we can afford to reduce the surtax on catastrophic, which ones will they be? Will a cut in the capital gains tax provide more revenue in the long-run and help make catastrophic financing more fair? And are we going to have to cut out the prescription drug part of catastrophic or cut it out altogether in order to ensure that seniors of all income levels can be assured adequate care during a catastrophic illness?

A few moments ago the gentleman from Florida [Mr. Goss] was talking about what his constituents were saying about the AARP, and I might point out that only last year AARP sent out a bulletin to all its spokesmen saying, "Whatever you do, don't let them change or take out the prescription drug coverage." That in itself tells the story. It tells the story of why the AARP pushed so hard to get the Medicare Catastrophic Coverage Act through to start with.

Can we feasibly and fairly place the burden of financing on a higher income group? And finally, should we let Congress as a whole vote on a repeal of catastrophic? Better yet, can we delay this for 1 year to give ourselves the opportunity to work out the bugs and look at the entire health picture? Everybody in this country is affected by health.

There may be no completely fair way to do all of this, and we already know there is no easy solution. But there has to be a best way, and our senior population expects us to find it without politicizing the issue.

Once again, Mr. Speaker, I want to commend the gentleman from Florida [Mr. Goss] and the gentleman from Illinois [Mr. FAWELL] for taking the time to bring this very important issue to the floor.

Mr. GOSS. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. BENTLEY] for her very compelling remarks.

I see that I have been joined by many of my colleagues, and I will try to yield to each of them.

First, Mr. Speaker, I yield to my colleague, the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, seldom has my office received such a mountain of mail as we have in response to last year's Medicare catastrophic health care bill. The senior citizens of Ohio's 10th District—from all socioeconomic levels—are up in arms that the burden of financing catastrophic health care for all Medicare beneficiaries will fall completely on those citizens over the age of 65.

I am particularly concerned that a study by the institute for research on the economics of taxation indicates that the Medicare Catastrophic Coverage Act will cost the elderly considerably more than they will receive in benefits because it will shift part of the Nation's welfare expenditure from the general taxpaying population to the elderly taxpayers. Furthermore, this study shows that this new law will increase the total cost of comprehensive health insurance for our aging citizens. When this higher taxation of the elderly goes to finance other Federal spending, it is also reasonable to assume that smoke and mirrors will be manipulated to make Federal budget deficit figures look better than they really are.

Many of my constituents have explained that they already have satisfactory insurance to supplement their Medicare coverage. For example, Ohio retirees of the State teachers retirement system and the State's other public pension systems tell me that the catastrophic health care bill is a "no-benefit benefit" for them because the comprehensive health care offered to Ohio's State employees already covers everything incorporated in the catastrophic law. They see no logic in having to pay increased taxes on their income for coverage they are currently receiving.

In another poll taken by the Wirthlin Group in May of this year for the coalition for affordable health care, a surprising 85 percent of the senior citizens surveyed nationwide said that they already have supplemental medical insurance. Not so surprisingly, a majority of this group also responded that they do not feel that the benefits for them under the Medicare Catastrophic Health Care Act are worth the cost. Naturally, this group, too, resents having to pay higher taxes for coverage they are already receiving as part of their retirement benefits or from Medigap policies they have purchased. This same poll showed that these senior citizens would prefer private health insurance tailored to their own particular requirements over the so-called catastrophic plan.

Senior citizens justifiably feel that the Medicare Catastrophic Health Care Act is unfair and unprecedented in levying an additional income tax against just one age group. My constituents write that this will have the greatest impact on many of the middle-income elderly who are living on carefully budgeted fixed incomes, and they cannot understand why they should be faced with higher tax rates than any other segment of the population.

Over and over again my mail has mirrored the resentment of our aging taxpayers that the surtax on their income tax is to be used to pay for the

treatment of AIDS patients who are also covered under the Medicare Program. I think they are right in believing that society as a whole should pay for treatment of the AIDS epidemic. The elderly find their being saddled with this burden to be especially unjust, as they do not think that their generation is in any way responsible for our country's problems with AIDS.

Additionally, a majority of the communications that have come to my office regarding the Medicare catastrophic care law say that it missed the mark in not providing for long-term care. Senior citizens in my district point out that with today's shorter stays in the hospital, they perceive the cost of long-term care in a nursing home or home health care assistance which would enable them to remain in their own home as the true financial catastrophe they face. They ask the reasonable question—if the largest slice of the health care pie is mandated for hospital costs, what will be left to cover the nursing home care or long-term home health care services they really want?

□ 1630

Mr. GOSS. Mr. Speaker, I thank the gentleman from Ohio [Mr. MILLER] for his on-target remarks.

Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I would like to thank the gentleman from Florida [Mr. Goss] for yielding, and I want to commend him for his concern for the elderly.

Today, I too, join with my colleagues in the House of Representatives to express my concern over the Medicare Catastrophic Coverage Act. We in the House speak for the elderly in each of our districts. We are their voice in our government, and we, as their voice in this institution, must listen to them and to their concerns, and we must not be hesitant to reverse a law which clearly seems in error.

Mr. Speaker, there can be no doubt in my mind that the elderly in this country are fighting mad. Since I took office in January, we have received over 2,000 letters of protest from the very people who have brought this country through the Depression and fought wars which have ensured our democracy. It is clear that until Congress does something, these letters, these phone calls, these voices at our town meetings will continue, as well they should. It is time that we in Congress respond to these voices of our senior citizens.

Rhode Island is my district, and we have a large elderly population, and, when I return home and speak with the members in my town meetings, they tell me this is the issue, this is what is concerning them, this is what causes them fear and worry at night.

Mr. Speaker, although I was not a Member when this bill was passed, I can say that I would have had severe reservations about this unfair way of discriminating a tax upon one segment of our population. This seniors-only surtax is indeed a catastrophe for the many older Americans who are often on fixed incomes. It seems a dangerous precedent to pit one generation against another when we are talking about providing social programs. We have always had the motto of "one for all, and all for one," and this is no time to change.

Mr. Speaker, I applaud these hearings and the opportunity for us to raise our voices.

The bills which have been presented to this House have various provisions, and I have cosponsored ones which will permit us to immediately begin a review of this protection, the review of the unfair taxation. We need to push for a change in this legislation. We need a better bill.

While I feel that seniors deserve to be freed from the worry that a catastrophic illness may wipe them out financially, I cannot support this discriminatory tax embodied in the legislation that bothers so many of our elderly. It is high time that we get on with the business of putting together a better piece of legislation.

My colleagues, let us not discriminate against a generation which fought wars, which raised us and which has hoped for a better future.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Rhode Island [Mr. MACHTLEY], my colleague.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I certainly thank my colleagues, the gentleman from Illinois [Mr. FAWELL] and the gentleman from Florida [Mr. Goss], for bringing this issue to the floor. It is certainly a timely issue, and a very important issue, and, even now as we speak, there are people who are planning and posturing to change this piece of legislation, some for the better, and some for the worse.

Mr. Speaker, I want to say that I appreciate the opportunity to speak briefly on an issue that has generated more interest among older Americans than any other issue during my 2½ years in Congress.

I am proud to say that I was one of only 72 Congressmen who voted against final passage of catastrophic health insurance coverage that so many of my colleagues are rushing to change. My opposition to the law has only been reinforced by the flood of letters and phone calls my office has been inundated with. Since passage of the law, my office has responded to over 2,000 individual letters and phone calls from irate seniors around my district.

The sea of data and statistics has been very helpful in making the case that this law is harmful to our Nation's older Americans. But when a personal story is relayed to me, the cold facts don't seem to have much weight. I would like to share with you the plight of just one of my constituents. While she resides in Batavia, IL, she could just as easily be from anywhere in the country.

Claire and her now deceased husband worked hard all their lives to save a little nest egg for retirement. It wasn't much, but it was enough for them to live comfortably. At age 80, Claire has been left to fend for herself since her husband died.

She has managed fairly well until now, but her situation has worsened greatly with the newly passed catastrophic health insurance. Her largest source of income is from a pension, which has been fixed since her retirement 16 years ago. Inflation has steadily eroded her purchasing power. Now the catastrophic health insurance surtax and part B premium increase will take a large chunk out of an ever-shrinking pie. For the many older Americans like Claire who live on the margin, this law will force a major readjustment in their already strained budget.

First and foremost, I have had grave reservations about the law from the start because of the financing of the benefits for catastrophic health insurance. The 40 percent of older Americans who have to pay the surtax—which is a tax on a tax—must pay \$22.50 for every \$150 in income tax liability. Singles could end up paying as much as \$800 and couples as much as \$1,600. That's an enormous strain on the budgets of senior citizens, many of whom live on fixed incomes.

What's more, this draconian tax increases in the outyears. By 1993, the surcharge escalates to \$42 for every \$150 in income tax liability. That's a tax rate of almost 30 percent on top of the Federal income taxes we all pay.

Before passage of catastrophic health insurance, about 75 percent of elderly Medicare enrollees purchased private sector insurance in addition to Medicare. These policies, often referred to as Medigap, covered essentially all out-of-pocket expenses for Medicare-covered services. The new law duplicates nearly two-thirds of the dollar amount of catastrophic benefits previously covered by Medigap policies.

Finally, let me say I opposed the catastrophic health insurance law because it did not address what the seniors in my district define as the true catastrophe—long-term nursing care. An estimated 50 million Americans will need nursing home care within 25 years—five times the number today—with the cost averaging \$20,000. I hope

that the controversy surrounding catastrophic health insurance becomes the impetus this august body needs to pass an affordable long-term nursing care bill.

In sum, the catastrophic health insurance law is too costly for older Americans, especially for those on a fixed income. Furthermore, the benefits don't even come close to justifying the cost. This debacle is proof positive that despite the best of intentions, Big Government has managed to make a bad situation worse. I call on all my colleagues to urge quick action on repealing catastrophic health insurance.

Again, I thank my fellow colleagues for the opportunity to participate in this special order.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] for his very worthwhile remarks, and obviously all the homework he has done on this is very, very impressive.

Mr. Speaker, I yield to the gentleman from Florida [Mr. JAMES], my friend and colleague.

Mr. JAMES. Mr. Speaker, I rise today in support of efforts to reform the Medicare Catastrophic Coverage Act of 1988.

Originating as a proposal to assist senior citizens with the catastrophic health care costs of treating a serious illness or injury, the program enacted, in effect, was primarily an additional income tax burden for most beneficiaries.

While I have joined many of my colleagues in supporting a variety of approaches to reforming the catastrophic program, either by modification, delay of implementation, or repeal, I have also been working with my colleagues to, at the very least, have hearings held on the problems of the program that are plaguing so many of our constituents. I have heard from more of my constituents on this issue than on any other concern before us, approximately 5,000 individuals.

In this regard, I commend my colleague from Illinois and his staff for organizing this special order. It is my hope that today's effort will be realized by the leaders of this body as part of the steadfast commitment that it is to addressing this problem of critical importance.

□ 1640

Mr. GOSS. Mr. Speaker, I thank the gentleman from Florida for his comments. I note that we have shared the same experience from our constituency.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend Congressman Goss and Congressman FAWELL for arranging this special order today allowing us to express our

concerns about the Medicare Catastrophic Coverage Act. Since this law became effective in January of 1989, I have heard from many constituents, as I am sure my colleagues have, who are opposed to the Medicare Catastrophic Coverage Act. The primary source of this opposition has been the financing mechanism; specifically, the supplemental premium.

As we are all aware, the method of funding was selected, in large part, so that the cost of the program would not add to the budget deficit. Although Medicare part A and B benefits have been expanded under this legislation, the number of seniors who have expressed unwillingness to accept this added cost compels the Congress to address the shortcomings of this legislation. The supplemental premium, based on Federal tax liability and computed at a rate of \$22.50 for every \$150 of tax liability, is calculated on adjusted gross income and it is estimated that less than half of the beneficiaries—40 percent—will be required to pay a supplemental premium. To require 40 percent of the senior population to pay for the health care of the remaining 60 percent, however, is clearly unfair. In light of this, I have cosponsored a resolution, House Concurrent Resolution 13, which directs the Congress to restructure the surtax and seek other financing options.

This resolution is only one among many that have been introduced in the 101st Congress. With such a large number of bills having been introduced which in some way repeal, delay, amend, or re-examine the Medicare Catastrophic Coverage Act, it is evident that the Congress recognizes the need for change. While the catastrophic benefits are indeed needed and can hopefully be expanded to include long-term health care benefits, we must consider options other than the current supplemental premium to help pay for this expanded coverage. I look forward to working with my colleagues as we examine the alternatives and hope that the spirit of cooperation and compromise will prevail so that the crushing health costs incurred by our Nation's seniors will be diminished. The inequity which has been created cries out for reform.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Pennsylvania.

I yield to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, when I was in college I had a priest-professor who would often say that the road to hell is paved with good intentions. Indeed, as I look at this legislation, I know that he was correct; because the legislation, the Catastrophic Health Insurance Act of 1988, was a piece of legislation that was very well-motivated. In fact, many of us looked at the problem confront-

ing senior citizens and concluded that it was important that we do something to try to deal with the catastrophic health costs that many of them faced.

I was one of those who originally cosponsored catastrophic health care legislation, but as I worked with it in the subcommittee and in the committee and finally on the floor of the House, it appeared to me that a good idea had gone haywire. I voted against the legislation and attempted to change it; but as some of the previous speakers noted, there were very few of us, only about 72 of us in the House who voted against the bill. We had a tough time trying to convince our colleagues a year ago that this was a good idea gone bad. Now, of course, there are more who are suggesting that it is a good idea gone bad; but even so, there seems to be a lack of understanding about what is wrong with this piece of legislation.

It is more than the fact we simply have a bad financing mechanism. There are other problems with the legislation, too. In broad terms, the problem is this. Senior citizens as a group pay into the system a whole lot more than they receive back in benefits.

Now, why is it that seniors pay in as a group much more than they receive back in benefits? The first reason is because there is duplicate coverage.

Now, more than just duplicate coverage, I think there is a problem that can best be summed up this way. Seniors pay in order that major corporations can be taken off the hook in the responsibilities they have to their retirees.

What happens in the real world? In the real world, the senior citizen goes in, retires, the employer says to them, "We will provide health care benefits for you."

Uncle Sam comes along and says, "We have a better idea. We have a catastrophic health insurance policy. You seniors will pay for that policy."

Now, that policy duplicates some of what the corporation was paying earlier, so the corporation gets let off the hook on its responsibilities. The senior citizen pays.

The second reason senior citizens get hit hard on this is because of the pool of those who are covered, you not only have senior citizens, you also have the disabled.

Now, if I came in and said to the Members of the House that I thought it was a good idea to provide catastrophic health insurance for the disabled, virtually everyone would stand up and say yes; but if I then said to you that the only people who will pay for this new program are the senior citizens of the country, you would look at me a little strangely, and indeed, you should. Yet that is exactly what happened under the catastrophic

health care legislation. The disabled are covered, but the seniors alone pay. That is not fair.

The third problem is the high administrative cost. Do you understand that at the current time the way the Drug Benefit Program is structured, we expect that 40 percent of the amount that seniors pay in for drug benefits will go to costs of administration of that program, 40 percent for administrative costs. I think that cries for restructuring.

That is why I thank my colleagues from New Jersey and Illinois who have called this special order to give us a chance to talk about what needs to be done, because what needs to be done now is for us to delay the implementation of certain portions of this act for a year so that we in Congress will have an opportunity to restructure this program.

We do need catastrophic health insurance, but we need a program that is fair to the senior citizens of this country and a program that does not burden them or others with excessively high administrative costs.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Iowa for his very, very thoughtful remarks on this subject.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me begin by commending the gentleman from Illinois [Mr. FAWELL] and the gentleman from Florida [Mr. Goss] for organizing this special order today. This special order is important. It gives voice to the thousands of older Americans who have expressed great frustration regarding the Medicare Catastrophic Coverage Act of 1988.

As a new Member of Congress, I came to this body after the catastrophic coverage legislation was enacted. I was not here when the sale of the product was going on, but I arrived here when the bill became due, and in my district, Mr. Speaker, senior citizens are sending the bill back.

□ 1650

The product of catastrophic health coverage is fine, they are telling me, but the cost is simply unfair, and much too large.

I stand here today to say I understand that sentiment; to say that we must delay or change the catastrophic coverage funding mechanism at the earliest possible date.

All of us know that a listening and responsive ear is due to our senior citizens, because they are the people who weaved the social and economic fabric that we live in today.

So when our seniors ask us to protect Social Security, we listen.

When our seniors ask us to protect Medicare and other programs, we listen.

And now, Mr. Speaker, our seniors are asking us to protect their hard earned money from the Catastrophic Coverage Act, and we should listen.

The concept of an insurance system that guarantees catastrophic health care for a society's older population is a good one. It is a policy that represents the best intentions of a kind and gentle America.

But good intentions do have to be paid for. And they need to be paid for in a way that is both equitable and fair. That is the challenge for well intentioned plans like catastrophic coverage, which has, unfortunately, failed to meet that test.

Like other Members of Congress, I have received hundreds and hundreds of letters from constituents who are upset about the catastrophic funding mechanism. A letter that arrived at my office recently reflects the intensity and the anger that senior citizens are feeling about this issue.

The letter says:

The Medicare Catastrophic Coverage Act is the worst piece of legislation to come out of the Congress in many years. It is a grossly unfair tax on senior citizens. I trust that you are actively working to kill this monstrosity.

Well, Mr. Speaker, I can confidently say that we all have constituents who feel this anger, and they are trusting us to protect them from the steep surtax of the Medicare Catastrophic Coverage Act.

I hope we, as Members of the House of Representatives, will act soon to honor this trust.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Ohio for his useful contribution, very useful contribution, to today's proceedings on this.

Mr. Speaker, I yield to the gentleman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to commend my colleague, Mr. FAWELL, for his leadership and perseverance on this important issue and my colleague, Mr. Goss, for yielding the time and for his work on this issue. I believe it is time to take another look at the financing mechanism for the Medicare Catastrophic Coverage Act. The intentions of Congress were honorable in attempting to provide adequate health care for our elderly citizens. Unfortunately, as I have heard from so many of my constituents, this law does not truly meet their needs. I am concerned about the duplication of benefits, which penalizes those elderly who have planned for the future. I am also concerned about the burden that the catastrophic surtax places on our elderly with fixed incomes.

Many of the benefits provided by the Medicare Catastrophic Coverage

Act are necessary. However, the law does not cover long-term care coverage, an expressed need of many of our elderly. With nursing home care costs estimated at \$20,000 to \$25,000 per person per year, this is the true catastrophe.

This law has a very negative impact on Federal and military retirees, as well as on those retirees covered by public or private employer insurance plans. For example, for those 1.5 million annuitants enrolled in the Federal Employees Health Benefits Program insurance plan, the new catastrophic coverage will have little effect on the total coverage for most retirees. Prior to passage of the law, I worked with the National Association of Retired Federal Employees to include a provision that reduces the annuitant's share of FEHBP premiums, in order to address the issue of duplication of benefits. Federal retirees will receive few, if any, additional benefits, yet they will be assessed a surtax.

Many of my constituents have expressed their anger over this law and the burden it places on retirees living on a fixed income. It is time for their objections to be heard. Hearings must be held to discuss these concerns, especially regarding the funding mechanism. Many consider the supplemental premium to be discriminatory and a penalty on those who have worked and saved to provide for their needs when they retire.

I am encouraged by efforts over the past week by the Ways and Means Committee to try and develop a compromise solution to this problem. I hope we can continue in this same vein, working together to meet the needs of the elderly.

Mr. Speaker, I urge my colleagues to listen to the elderly in America. Let us work together to remedy the Medicare Catastrophic Coverage Act to reflect the needs of our citizens.

Mr. GOSS. Mr. Speaker, I see we have several more interested colleagues here, and I am going to ask that they impose a time limit.

Mr. Speaker, I yield to my friend and colleague, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise today to urge that Congress take action to change the Medicare Catastrophic Illness Protection Program which singles out the struggling middle-class senior citizen to pay a large surcharge for this new coverage.

Indeed, under the catastrophic illness plan, many senior citizens find they will be paying more money in a surcharge for the same coverage they had before the plan was enacted. This is unfair and should be changed.

Senior citizens should be paying less money, not more, for catastrophic health care. It is wrong to place the whole burden of paying for this pro-

gram on the senior citizens themselves. This amounts to a tax on those least able to pay. We ought to eliminate this unfair surcharge that our senior citizens are forced to pay under this plan.

Mr. Speaker, our retired population is comprised of people who worked hard all of their lives, decent people, who made this Nation great, and they struggled to achieve a better life, and all they ask is to be able to retire with dignity. Let us help them and not hit them in the pocketbook where it hurts.

While they were employed, the Government guaranteed to them that they would have certain benefits in retirement, and now the Government seems to go back on its commitment by requiring seniors to bear the total cost of the new health program.

Everyone agrees that seniors need more comprehensive medical coverage such as protection from the cost of long-term nursing home care. Instead of providing this insurance, the Catastrophic Illness Program mirrors the coverage that most seniors already receive from Medigap policies.

In an effort to change this law, I have cosponsored H.R. 2212, which would delay enactment of Medicare catastrophic illness protection for 1 year, and would order the General Accounting Office, the GAO, to study the program. The GAO, a respected watchdog agency, would be required to report to Congress within 1 year with recommendations on how this coverage should be changed.

The Harkin-Levin bill, sponsored by the gentleman from Michigan [Mr. BONTOR] in this House, H.R. 2547, is also something we should consider.

Mr. Speaker, in my district every day senior citizens voice their concerns about this program. We need a comprehensive catastrophic health care program, but we must finance it another way, not on the backs of people living with fixed incomes.

We spend over \$1 trillion a year on the Federal budget and should devote more money toward improving the lot of our seniors. I urge my colleagues to join me in working to see that the Catastrophic Illness Protection Program is revised to assist rather than penalize the struggling middle-class senior citizens.

Mr. GOSS. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from Illinois [Mr. FAWELL] for organizing this special order.

When President Reagan was elected President he pledged to cut the marginal tax rates for all Americans, and he kept his word. But due to congressional action, elderly Americans have been excluded from these low rates.

When Congress passed the Medicare Catastrophic Health Act, they effectively raised the marginal tax rates for the elderly far in excess of even the wealthiest nonelderly taxpayers. According to a recent study by the National Center for Policy Research, elderly taxpayers now face the highest marginal tax rates ever imposed on middle-income Americans in our Nation's history.

As a result of the Social Security benefit tax and Medicare surtax, some elderly taxpayers will see their 1989 marginal tax rates increased by 33.3 percent and by 1993, marginal tax rates will be increased by 38.76 percentage points for some elderly taxpayers.

We are now witnessing a tax revolt in the elderly community and rightfully so. It is an oppressive and punitive tax. It hurts our most vulnerable.

The Medicare Catastrophic Coverage Act of 1988, signed into law on July 1, 1988, requires beneficiaries, in addition to an increased monthly premium, to pay a supplemental premium based on their Federal income tax. For every \$150 tax liability, seniors will have to pay an additional \$22.50 in taxes for Medicare, up to the maximum of \$800 per person [\$1,600 if married].

Congress originally estimated that 40 percent of elderly Americans would be affected by the law. However, 1989 tax returns indicate that 14.6 million seniors, almost 47 percent of older Americans, have to pay the surtax. By 1993, almost 54 percent of the Nation's seniors will be forced to pay the seniors only tax.

Many senior citizens currently have private insurance equal to what the Catastrophic bill provides, yet they are forced to pay into the system although they receive no benefits.

Economists Norman True and Warren Brookes predict that the catastrophic coverage will require Medicare beneficiaries to pay \$44.3 billion in higher premiums and surtaxes for benefits worth only about \$30.9 billion.

The majority of senior citizens favor a repeal of the Catastrophic Health Care Act. In fact a recent poll by the Wirthlin Group shows that a majority of elderly Americans oppose the Medicare Catastrophic Coverage Act—53 to 31 percent.

Let us listen to the pleas of the elderly. They want repeal and not reform of the law. The time has come to start over. Let us bring the Reagan Revolution to the elderly community. Let us repeal this catastrophic surtax.

Mr. Speaker, I am including for the RECORD an editorial which appeared in the Orange County Register:

[From the Orange County Register]

BAD MEDICINE FOR THE ELDERLY

Earlier this year, with great fanfare and self-congratulation about how the politi-

cians were finally getting around to really helping older citizens facing catastrophic health-care costs, Congress passed the most ambitious expansion of the Medicare program since it was enacted during the Johnson administration, the Medicare Catastrophic Protection Act, or CATCAP.

President Reagan, who previously had opposed Medicare expansion and new taxes but had endorsed the idea of catastrophic health-cost protection in principle about a year earlier, signed the bill.

It is safe to say that hardly any member of Congress read this bill all the way through. Senior citizens who have begun to digest the implications are appalled. It turns out that those who have been most conscientious about saving for their retirement will be forced to pay for slim benefits only a few—including some people who aren't elderly—ever will receive. A number of senior citizens groups are now demanding that this law be postponed or repealed.

They are right. Congress and a few special interests pulled a shameless scam on America's elderly. Postponement of this bill isn't enough. It shall be repealed, and the whole Medicare program should be reexamined from the ground up.

The new bill provides a few additional benefits, like nearly full payment for long-term hospitalization, a cap on annual out-of-pocket payments to doctors, and coverage of 80 percent of the cost of prescription drugs. Based on current patterns of health service use, only 3 to 17 percent of the nation's elderly would be likely to use these benefits. And the new program doesn't cover long-term nursing home care.

The scandal is in how the bill is financed. Medicare premiums will be increased, with the monthly premium increase starting at \$4 and rising to \$10.20 by 1993. In addition, all elderly Medicare beneficiaries with enough income to pay income taxes—about 40 percent—will be forced to pay a surcharge on their income tax—starting at 15 percent and rising to 28 percent by 1993.

That's a tax increase, however you look at it, and a hefty one. *The magnitude of the tax increase was hardly discussed at all when the bill was under consideration. But it would penalize those who have made prudent provisions for their retirement years—up to \$1,050 per person or \$2,100 per couple by 1993. Those on fixed incomes or a tight budget could be devastated.*

One provision that has seniors up in arms is the extension of catastrophic coverage at no cost to those under 65 who are eligible for Social Security disability coverage and, ultimately, Medicare. *Of particular concern is coverage provided to AIDS victims. Should older citizens who have been prudent enough to retire with a little income pay the full freight for government medical benefits to AIDS victims?*

This law provides less coverage at more cost than Medicare supplemental coverage offered by some private organizations and companies. *It's bad legislation that was sold under false pretenses. Repealing it should be the new Congress's first order of business.*

□ 1700

Mr. GOSS. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman from Florida for yielding.

I just do not understand, Mr. Speaker, what it takes for some of my colleagues in the House and the Senate to realize they have made a mistake. That is just what the catastrophic coverage law is, a giant, costly mistake.

A typical letter reads, and we have all gotten them, but a typical letter says:

Dear Congressman, I am paying \$800 more per year in taxes for health coverage that I already have at a much lower rate. I did not request this coverage, nor was I given the opportunity to refuse it. What is Congress doing about this?

That is an excellent question.

Currently, over 20 bills have been introduced in the House and Senate to change this disastrous excuse for a law—over 20. The result: no action. Several of my colleagues and I have written letters to the distinguished chairman of the Ways and Means Committee urging him to reconsider this law. Thus far: no action. Thousands upon thousands of senior citizens have called and written letters, only to have their complaints fall upon deaf ears.

Senior citizens are angry, and I am angry. We are all angry because this incredible wave of protest has resulted in no real change. Instead, Congress has allowed itself to be cast as the enemy of the elderly.

That is not what this institution is all about. That is not government "by the people, for the people." It is time to put aside partisan politics and political concerns and do what is right. I urge my colleagues to join the fight to repeal the Catastrophic Coverage Law.

Mr. Speaker, this surtax targets only seniors for a problem that should be addressed by all of society. Seventy percent of seniors already have these benefits. It is time for action. We ought to start with a fresh, true, long-term, truly long-care custodial health care program, not this so-called catastrophic health law.

I thank the gentleman from Florida for yielding.

Mr. GOSS. Mr. Speaker, I thank the gentleman from New Hampshire.

Mr. Speaker, I yield to the gentleman from the Commonwealth of Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, the Congress must act to reform or to repeal the law designated as the catastrophic illness law during this session. We must repeal the surtax that is provided in that law.

This law now on the books unfairly raises income tax rates on the elderly. The tax rate will increase swiftly over time, 15 percent this year, 28 percent by 1993, and it will increase further.

We should continue to protect the poor from the expenses of a catastrophic illness. We should permit

those who wish to protect themselves with private insurance, as over 70 percent did prior to this bill, to continue to do so. We should provide some kind of protection for the near-poor elderly, the roughly 10 percent who lacked this type of coverage prior to this new law.

The Congress can act. It should act for the benefit of the senior citizens of this country and for the country as a whole.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Virginia.

Mr. Speaker, I yield to my colleague, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, like many of my colleagues, I received numerous letters from my constituents asking me to support the catastrophic health care bill. In fact, I received more letters in favor of this bill than any other during the 100th Congress. But what I'm receiving now are hundreds of letters asking for a change. I've heard comments from some Members saying that the objections are coming from the affluent elderly who are angry that they are going to have to pay for someone else's benefits. I disagree. My district is not heavily populated with affluent elderly.

Of course, there are a few who will pay the top level premium because of their earnings, but 99 percent of the complaints I'm hearing are coming from the average everyday American who has worked hard, perhaps saved a moderate amount, and is going to be heavily taxed by the supplemental premium. Some are Federal retirees, some had provided for themselves through the private sector, and some had employers who were providing for their insurance costs. The story for all of them, however, is about the same: After having invested all of their working lives to save money so they wouldn't be a burden on their families or the Government, and so they could have a comfortable retirement, we've rewarded our retirees by taxing them yet again and giving them benefits that they already have or don't need.

The catastrophic plan has the good intention of helping our elderly. It was crafted with good intentions and I don't think anyone questions that. A lot of time and effort was put into its provisions. But it's obviously unacceptable to the people we represent and I ask even those who are strongly opposed to making a change, to reconsider your position. There's no crime in admitting that we didn't do the best we could for our elderly, but it would be a terrible thing to ignore the pleas of our constituents and let this law go unchanged.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Florida for his very wise remarks.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, the first several months after the catastrophic health care bill was passed, and following January 1 when it came into existence, I spent a great deal of time in my district talking with the senior citizens I represent, trying to convince them that this was a good program and one that would benefit them, one that would be of significant help to those who became seriously ill long term.

I did not sell anybody on this program. In fact, they sold me on their point of view. They finally convinced me that it was not a question of them having questions about the provisions, it was not even a matter of them being concerned about it. It was not a matter of them not liking it. They flat out hate it, and I understand that. I understand where they are coming from.

This is an expensive program that will benefit very, very few people.

This prompted me to send out a survey, and I would like to share a part of that survey with my colleagues. We asked a whole series of questions, but three were important.

One question said: "Do you believe the cost of the program is worth the benefits that are provided?" Eighty-eight percent of the respondents said no.

Another question said: "Do you favor a change in the law?" Ninety-eight percent of those who responded said yes.

Then we asked other questions. "Do you support the repeal of the bill?" Forty-two percent said yes.

"Do you support lower fees and less coverage?" Sixteen percent said yes.

"Do you support an optional plan?" Thirteen percent said yes.

"Do you support the Michel plan," the alternative we know? Thirteen percent said yes.

"Do you support delay and studying the program further?" Seven percent said yes, and 5 percent said that a flat fee for all would be a more appropriate solution.

But perhaps the most telling communication of all that I received, and as the gentleman from Florida [Mr. HUTTO], has suggested, we have received a tremendous amount of mail, the letter that I got that tells the story the quickest, the most consistent, and the best says:

Medicare catastrophic. We don't like it. We don't need it. We don't want it. The cat must go.

At the onset, I want to compliment the gentleman from Illinois [Mr. FAWELL] and the gentleman from Florida [Mr. GOSS] for putting together this special order.

I also want to compliment them for their leadership on this issue which is of pressing concern to almost every senior citizen in my district.

I've heard what my colleagues have had to say thus far this afternoon. If there is one

thing that is clear, it is that the individuals who are supposed to benefit from the Catastrophic Care Program, that is, our older Americans, hate it.

Nowhere is that more evident than in the 13th District in New Jersey. In fact, I conducted an informal survey in my district 2 months ago, and an incredible 96 percent of those seniors who responded said the program should either be eliminated, or drastically changed.

Another 88 percent said the benefits are simply not worth the price.

Some, I know, will be quick to say, "Well, Congressman, what you did really was not a professional survey." My response to that criticism is that 96 percent under any circumstances is a mandate.

At what point are we going to realize that we can't afford to sit by and do nothing? Congress is not going to weather the catastrophic storm. This issue will not go away.

Letters and postcards continue to pour into my office. Some are angry, and demand action by this body. Some try to reason their way through it. But the message is always the same. The message, quite simply, is that the catastrophic care package must be stopped in its tracks.

I have in my hand, a constituent letter that virtually says it all:

Medicare catastrophic * * * we don't like it * * * we don't need it * * * we don't want it! The cat must go!

I commend Mr. FAWELL on his efforts to lead us to a solution. We do need to stop and take a look at this law which is causing so many so much grief. And I intend to be one of the first Members of the House to sign the discharge petition which will force this issue to the floor for debate.

You don't have to be a Democrat or Republican to support the discharge petition. All you have to be is someone who cares about older Americans, and who wants to meet their needs in the most responsible way possible.

I yield back the balance of my time.

FINAL RESULTS OF THE 1989 CATASTROPHIC COVERAGE QUESTIONNAIRE

58% were couples.

42% were singles.

1. Average estimated supplemental premiums under the new law?

Couple: \$748 per couple. Single: \$431.

2. Do you believe the cost of the program is worth the benefits?

Couples: 88% said no. 10% said yes. 2% had no opinion.

Singles: 88% said no. 7% said yes. 5% had no opinion.

3. Do you have private supplemental insurance?

Couples: 93% said yes. 7% said no.

Singles: 92% said yes. 8% said no.

4. Average cost of this supplemental insurance to the beneficiary?

Couples: \$830.09 (31% reported their former employer paid all or part of their coverage).

Singles: \$809.53 (29% had some or all of costs paid for by their employer).

5. Do you favor a change in the law?

Couples: 98% said yes. 2% said no.

Singles: 96% said yes. 2% said no. 2% had no response.

6. Do you support the establishment of a national lottery to fund Medicare?

Couples: 57% said yes. 36% said no. 7% did not respond.

Singles: 48% said yes. 38% said no. 14% did not respond.

Couples: 42% support repeal. 16% lower fees for those with other coverage. 13% support optional plan. 13% support Michel plan. 7% support delay and study. 5% flat fee for all.

Singles: 56% support repeal. 18% support lower fees for those with other coverage. 14% support delay and study. 6% optional. 3% flat fee for all. 3% Michel plan.

Mr. GOSS. Mr. Speaker, I thank the gentleman from New Jersey for his graphic and compelling contribution to this proceeding.

Mr. Speaker, I yield to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, in an attempt to address the very real problem of catastrophic health care costs, the Congress enacted a program financed by an earnings surcharge on senior citizens. Rarely has any action by this body caused such an outcry from our citizenry. As people have become familiar with the reality of what has occurred, they have flooded my office and other Members' offices with communications of displeasure over this program. It is not that my constituents are unmindful of the real and pressing needs that exist in this regard. Huge hospital and physician bills can devastate a family, especially an elderly household where members exist on a fixed income. But as I said last year when the Congress had this proposal under consideration:

Agreeing that a problem exists does not justify endorsing a plan that will soak the elderly, especially those that have planned well for their retirement. Rather than creating a new and expensive health program, I believe that the federal government should be working to create a framework in which the private sector is encouraged to provide adequate insurance protection.

Now, Mr. Speaker, I opposed this legislation, and I think the outcry against it confirms that my fears and reservations about it were accurate. The Senate has taken some action that would require a study of the law's impacts and options available for alternative financing. This is totally inadequate. I call upon my fellow Representatives to exert pressure on Mr. ROSTENKOWSKI to report to the floor legislation which will allow us to express the will of the people—in short, grant us an up or down vote on repeal of catastrophic health insurance and the onerous assessments enacted to finance this ill-conceived scheme.

In conclusion, let me say that I did not support the Medicare Catastrophic Protection Act and I support its repeal today. Last year, I cosponsored legislation that would have delayed implementation of the program for 1 year until the Congress identified an alternative funding mechanism. The voters of my district are now telling

me that they preferred to make a decision on catastrophic on a voluntary basis, purchasing so-called Medigap policies and other plans from the private sector. I believe we should listen to that wisdom and act expeditiously to return this decision to each individual, and to eliminate the burdensome, unjustifiable income surcharge on our senior citizens.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in the House of Representatives in calling for a delay in the implementation of the Medicare Catastrophic Coverage Act. This delay would give Congress the opportunity to examine closely in comprehensive hearings the inequities in this law which unfairly penalize senior citizens by imposing a surtax on them—and them alone. Furthermore, this delay would provide the opportunity to correct these inequities either by reforming or repealing this law.

As it now stands, this law imposes the highest income tax rates in the country on some middle income senior citizens. These seniors, even if they could secure employment to pay for this higher levy, would lose most, if not all, of their earnings to the Social Security offset requirement. If the new tax cannot be met by current earnings, it must be met by past savings, which would then effectively reduce their standard of living.

Not only is this surtax unprecedented and unfair, it also does not provide benefits commensurate with the price being paid for them. These so-called benefits have so many co-payments, deductibles, and other prerequisites that only very few of our seniors will end up actually getting any monetary help with their medical bills. Furthermore, many seniors are being forced to pay up to \$1,600 annually per couple for benefits they will probably never receive, and for which they are already covered by health insurance included in their retirement benefits or in supplementary health insurance policies which they have already purchased.

And \$1,600 per year per elderly couple is only the beginning. This amount rises annually until it reaches a cap in 1993 of \$2,100 per elderly couple. But, of course, there is no guarantee that this cap will remain in place, and if it is lifted, the surtax will continue to rise year after year.

And most important of all, the one type of coverage which every senior citizen wants—long-term nursing home care—is not even included in this law. The fear which haunts many older Americans is that they will become seriously ill and bedridden for long periods of time, requiring nursing home care, which eventually would exhaust all of their savings.

Mr. Speaker, I have cosponsored legislation to delay implementation of the Medicare Catastrophic Coverage Act and to create a Bipartisan Commission to Review the Medicare Catastrophic Coverage Act, as well as legislation to provide long-term nursing home care. I have also urged those committee chairmen with jurisdiction to hold hearings in order to address the concerns raised by our senior citizens.

Mr. Speaker, our goal should be to improve health care coverage for all our senior citizens, instead of penalizing them. Some seniors state that they want an outright repeal of this coverage, while others feel that the coverage is good, but demand a change in the financing mechanism for this coverage. Hearings would give us the opportunity to hear all points of view on this matter, and fashion appropriate remedial legislation.

Mr. Speaker, as a fitting tribute to our late colleague, Senator Claude Pepper, we in Congress should work toward the enactment of comprehensive long-term health care legislation, including coverage for catastrophic health care, nursing home care, home health care, and hospice care. I urge my colleagues in the House of Representatives to support legislation to delay the implementation of the Medicare Catastrophic Coverage Act, and to call for hearings on the adverse effects of this new law, so that we can work together to achieve the fairest, best possible, and most affordable health care system for our senior citizens.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to join with other colleagues in this special order on the need to reform the Medicare Catastrophic Coverage Act of 1988.

MEDCAT, as it is known, crept up on us. Members listened to AARP and the hosts of other organizations who vowed to push their No. 1 legislative priority through to the President. Many of us overcame our initial better judgment and supported the bill, believing that our constituents wanted and needed it. We should not have succumbed to the emotional appeals that this bill was the only way to protect American senior citizens from the decimation of their savings in the event of a catastrophic illness. We bought the AARP line, thinking that of course they spoke for their membership.

Now we know better. We were hoodwinked, and the Nation's senior citizens were hoodwinked. We passed, and the President signed, a special tax for seniors only. The surtax hits those middle-income senior citizens the hardest. Remember, some 60 percent of Medicare beneficiaries will pay little or no surtax—which means that those with better incomes will be footing the bill for the entire group. The new law penalizes seniors who saved and planned for their older years. It often duplicates some of the coverage they already have. It promises horrendous administrative costs for the implementation of the new prescription drug benefits. In fact, the Health Care Financing Administration estimates that the drug package will generate deficits almost as soon as the program begins in 1991, reaching \$4.5 billion by 1993. What a mess.

Despite the fact that millions of Americans have called for reform or repeal of this misguided act, its principal House sponsors are holding fast. In the other body, a 1-year delay of the surtax was defeated by one vote.

Clearly, too much misinformation and inaccurate material exists on the law as it stands. There are numerous bills that address this colossal mistake, and we must continue to insist on congressional action to correct this very large mistake. Our constituents deserve our continued diligence and our assurances that we will not give up our efforts to correct this grossly unfair law.

Mr. LENT. Mr. Speaker, it has become clear to me that Medicare beneficiaries would have far preferred the simpler and truly catastrophic benefit originally proposed by President Reagan and Secretary Bowen.

When the President first proposed to protect senior citizens from the devastating cost of catastrophic illnesses, I thought it was a wonderful idea. I still do. However, it has become obvious to many of us that it was a very serious mistake for Congress to move so far away from the original proposal. Indeed, I believe that if we do not step back and reform this program, the other pressing health care needs of this country, such as long-term care and access to the most basic health services for the uninsured will remain unsolved for that much longer.

Under current law, by fiscal year 1993, a married couple paying the maximum supplemental premium would be paying \$2,000 for the supplemental premium and \$1,022.40 for the flat part B premium. The end result would be a staggering \$3,122.40. This is not equitable and this is not what our senior citizens envisioned when they wrote to us to support this bill.

I have cosponsored legislation that would reform this program by repealing most of the current catastrophic law and replacing it with a benefit and financing structure that was fair and equitable. H.R. 2055 would retain those benefits in current law that meet truly catastrophic needs and would repeal the income tax surcharge.

Before Congress adjourns this session, it is imperative that action be taken to modify catastrophic along the lines of H.R. 2055. I urge my colleagues to support this effort.

Mr. BROOMFIELD. Mr. Speaker, there is a groundswell of opinion in this country regarding a very troubling law. Hundreds of senior citizens are taking pen to paper. They are writing their congressional Representatives in outrage over the catastrophic health care law.

When Congress voted on this act last year we were told catastrophic health care is a fair program which presents needed benefits at bargain prices. If this act ever came close to the promises of a year ago I would be satisfied that we had done our job. Instead my office is deluged with a massive grass-roots letter writing campaign. Today, I can't begin to count the cards and letters on catastrophic health which I have received since catastrophic coverage was signed into law. In all good conscience, we must do something.

A full congressional review of this law is the first step. We need to redefine the term catastrophic care. And this time let's include long-term care. Paying for nursing home and comparable noninstitutional care is a primary concern of senior citizens. Yet, provisions for these staggering expenses have been left out of the Catastrophic Act.

Ultimately, we are here to listen to our constituents and act in their best interests. Open the record on catastrophic coverage. It's the right thing to do.

Mr. ERDREICH. Mr. Speaker, I appreciate the chance to participate in this special order on the catastrophic care law. There are many features of the new law that I support and that I believe have filled a number of gaps in the health care system Congress created for older Americans. It is chiefly the financing of this benefit that I am concerned about, and want to speak on this afternoon. There are many suggestions being made to change this law, and we certainly should pursue constructive alternatives to improve this new law.

My constituents have two main complaints about the way the catastrophic health benefits are financed. First, those with employer-provided health insurance are understandably upset that they are required to pay for benefits that they do not need. They are not part of the population that the bill was intended to serve, and yet they are being assessed, usually at the higher end of the scale, for benefits they will not use. I understand why they were included in the financing; from an actuarial point of view making the paying population as large as possible keeps the rates from going higher. But there are two major problems with this approach. First, I believe Congress should encourage employers to provide health insurance for retirees, and this aspect of the bill does just the opposite. Second, it is no fairer to expect these people to pay than it would be to ask nondrivers to pay car license fees. Forced double coverage should be eliminated.

The second aspect of the catastrophic law that is objectionable to seniors is the amount that many will have to pay for this coverage, while retaining their Medigap policies. Because the benefits are phased in over several years, and because the deductibles remain fairly large for all three major benefits, many seniors feel they cannot drop Medigap coverage. As a result, those who must pay the supplemental premium are finding their insurance costs have increased dramatically, especially if there are two Medicare-eligible people in a household.

Two major changes would blunt these objections and increase support for this new law: Making the program voluntary, and returning each year's funding surplus to the beneficiaries who paid into the program.

If the first change were enacted, seniors would have the opportunity to opt out of the program. Surely that would be more fair than continually charging, year after year, for a program that is not of benefit to retirees who already have insurance, or who do not wish to obtain any added insurance.

Second, the surplus amounts in the trust fund each year could be returned to beneficiaries each January on a proportional basis, with a bonus for those who have not filed any Medicare claims. The rebate could be given as a credit toward the next year's premiums. This could help shore up confidence in the system.

These actions could be taken without entirely reworking the financial system that is already in place, but they would result in fairer

treatment of the retirees who must pay for the bulk of the new benefits.

I realize that the catastrophic program is only just being implemented, and that some experience with the program will enable more concrete judgments to be made. But I also understand the frustration of retirees who are seeing their insurance costs double and who wonder if the benefits are worth it. I urge the Ways and Means Committee to be open to suggestions and ideas and how to alter and improve the program. Similarly, I urge my colleagues to offer concrete and workable suggestions to make the Medicare Program a model of which we can all be proud.

Mr. GOODLING. Mr. Speaker, I rise to express my concern about the new catastrophic health care law.

Some Members of this body have indicated that the only seniors who are complaining are those who have to pay the tax and those who do not understand the law.

Early this year, I held senior citizen meetings in each of my three counties on the catastrophic health care law. More than 1,000 senior citizens attended these meetings. Each of these meetings was attended by representatives from the Health Care Financing Administration and the Internal Revenue Service, who explained the law and then answered a large number of questions from my constituents.

After the meeting, not one of the attendees had changed their mind. They were still opposed to the law. Were they all rich? No, the senior citizens who came to this meeting were from all walks of life. They just did not feel the benefits provided under this new law were worth the high price tag, whether it affected them or not. Many of them already had Medigap policies or health insurance policies provided by former employers which provided similar benefits at a lower cost.

However, the objection I heard most often was that the bill did not do what they thought it would do—provide them protection against the real catastrophic health care cost, long-term care.

There are some good provisions in the catastrophic health care law, but it is far from perfect and is not even close to addressing the catastrophic health care needs of our Nation's senior citizens.

I know most of my colleagues have received large amounts of mail on this new law. We cannot ignore their valid concerns about the catastrophic health care law. We must do something and we must do something now.

Mr. Speaker, I would encourage my colleagues on the Ways and Means and Energy and Commerce Committees to delay the implementation of this law for 1 year and revisit this issue. Our Nation's senior citizens would be eternally grateful.

Mr. MILLER of Washington. Mr. Speaker, I join my colleagues today in urging this body, and the other body, to move now toward substantial reform of the Medicare Catastrophic Coverage Act. The verdict has been sounded loud and clear by older Americans across this Nation: This law is unfair, too expensive, and isn't what seniors need and want.

The lives of senior should not be further complicated and infringed upon by the supplemental premium portion of this law. This

surtax will cost older Americans hundreds, in some cases over \$1,000 per year for coverage that only a tiny minority will ever use. Why are we forcing seniors to pay such an enormous price for gold-plated coverage so many of them do not want and cannot afford? Is this fair or right? Of course not.

Without a doubt, long-term care is what seniors want and need. Older Americans face truly catastrophic financial hardship in coping with long-term care requirements. Nearly every senior will require some kind of long-term care assistance at some time during his or her elder life, whether it be home health care, or nursing home care. It is here that the Congress should be concentrating its efforts. Unfortunately, before we can adequately address long-term care, we must overhaul the Catastrophic Coverage Act by repealing or at least altering the surtax portion of the act.

Mr. Speaker, I believe the Catastrophic Coverage Act is holding hostage the long-term care interests of older Americans. Without a doubt, if catastrophic care is not modified sizably, it will bankrupt seniors' fiscal ability to afford long-term or nursing care. Therefore, any legislative action on long-term care must be linked to real reforms in the catastrophic coverage law.

So let's get the job done. Let's make the necessary revisions in the Catastrophic Coverage Act so that we can then effectively and responsibly address the long-term care needs of millions of older Americans. Seniors have let their frustration and concern be known. This body cannot dodge this issue any longer. It would be an affront to the older citizens of this Nation if we did not act, and act decisively.

Mr. BALLENGER. Mr. Speaker, thank you for this opportunity to express my views on the Medicare Catastrophic Coverage Act of 1988.

During my travels through the district meeting with constituents and reviewing literally hundreds of letters and answering many phone calls, I have been struck by one thing—senior citizens are opposed to the Medicare Catastrophic Act—adamantly.

Senior citizens do not just have a few objections to the new Medicare law, they have many, and these objections are justified.

Highest among elderly concerns is that they are paying some of the highest taxes of anyone in the country—simply because they happen to be over age 65. One of the most important achievements of the Reagan administration was to lower the top tax rates from 70 percent to 15 or 28 percent. But for the elderly, the tax burden has actually gone up because of the Social Security earnings test and the supplemental Medicare catastrophic tax. In fact, older Americans will be paying average tax rates on non-Social Security income from 50 percent to 110 percent, depending on the amount of Social Security dollars that are forfeited for wage and salary earnings.

A study performed by the Institute for Research on the Economics of Taxation [IRET], shows that a retired couple with an average Social Security benefit of \$11,000 and with \$25,000 in other income would pay a surtax of \$329 in 1989 and by 1993 this couple would pay \$728.

Also, IRET points out that in 1989, 46.1 percent of senior citizens will pay some surtax and 8.6 percent will pay the maximum. By 1993, 46.5 percent of the elderly will pay some surtax, and 21.1 percent will pay the maximum.

Finally, IRET notes that for all the added taxes and premiums, the elderly will only receive an average of \$46.57 in benefits for 1989. The elderly Medicare premium is \$48 per month for part B catastrophic coverage. Most Medicare enrollees will not have enough medical expenses to qualify for benefits. Most rough estimates show that between 17 to 31 percent of senior citizens will benefit from the program.

All in all, counting premiums and surtaxes, the elderly will pay \$4.7 billion more in 1989 and \$3.9 billion more in 1993 than they will receive in benefits.

The extra tax burden is very hard for retirees to handle because they live on fixed incomes. It is difficult for seniors to increase their earnings because their marginal tax rates are so very high. Thus, the tax has the effect of lowering the standard of living as well as lowering seniors savings accounts.

I think all Members have heard from their senior citizens' and its high time we listened to their message—repeal the catastrophic bill.

Mr. WELDON. Mr. Speaker, let me congratulate the distinguished gentleman from Illinois for his leadership on the issue of catastrophic health care. While this special order is the most visible action to the general public, Mr. FAWELL has introduced several measures on the act and has convened a task force of Republican Members to study the problem. I am proud to be a member of this task force, and commend the gentleman for his leadership.

Last summer, Members of Congress spent a fair amount of time patting themselves on the back for passing the Catastrophic Health Care Act. It was supposed to be the greatest single expansion of the Medicare Program since its inception. It was designed to protect senior citizens from the devastating financial impact of extended hospital stays. It is also fatally flawed.

Congress has replaced the financial threat of an extended illness with an added tax burden which many senior citizens find themselves unable to meet. The law has been met with deep resentment by America's senior citizens. Funded by a supplemental premium, catastrophic health care is little more than a tax increase for middle-income senior citizens.

This tax increase is supported by very few of its supposed beneficiaries. I have received over 2,500 phone calls, letters, and petitions in opposition to this expansion of the Medicare Program. I have met with hundreds of senior citizens at gatherings around my district who have unanimously urged Congress to repeal or modify the law. I can recall only the one letter in support of catastrophic.

Supporters of this new Medicare Program have been telling us for months that the majority of senior citizens support the catastrophic health care plan. They are supposed to be the silent majority. Let me ask the program's supporters to tell me where I can find some of them. I'd like to ask them why they enjoy

paying extra taxes for benefits many already have. I'd like to learn why they support a prescription drug benefit that does not begin until the senior citizen has spent over \$600 in a single year. And I'd be interested to find out why they support a program in which they are paying for benefits which will not be phased in until 1991.

Mr. Speaker, I don't support the Catastrophic Health Care Act, and have taken several steps to work for real change in it.

Forty-four Members of Congress signed a letter which Congressman FOGLIETTA and I initiated. The letter to Congressmen STARK and WAXMAN asked that they hold hearings on the financing mechanism of the plan.

I followed that by becoming an original cosponsor of legislation urging the Committee on Energy and Commerce and the Committee on Ways and Means to reexamine the catastrophic health care law.

I am also a cosponsor of H.R. 2055, a bill to significantly restructure catastrophic health care. This bill would: Repeal the supplemental premium. Retain the expanded part A benefits including the removal of the cap on the length of inpatient hospital and hospice stays, expanded home health care, and expanded skilled nursing home coverage. Eliminate the coverage for mammography screening, respite care, and home administered intravenous drugs. Amend the prescription drug coverage to help low-income senior citizens on Medicaid. Retain the financial protections for the spouses of individuals receiving nursing home care, and it would adjust the Tax Code to encourage insurance companies to offer long-term care coverage.

It is long-term care that seniors think about when they speak of a catastrophic illness. It is long-term care that they thought would be included in the catastrophic health care law. And it is long-term care that senior citizens want from Congress.

When we pass a responsible long-term care bill which protects senior citizens from the true financial threat of an extended illness, Congress can take the time to pat itself on the back. Until then, we ought to get to take our hands out of our pockets and get to work.

Mr. FRANK. Mr. Speaker, I appreciate the initiative taken by my colleagues from Illinois, Mr. FAWELL; and from Florida, Mr. GOSS, in giving us the chance to express our strong views on the need for significant change in the law establishing the program concerning catastrophic illness.

I believe it was an error for President Reagan to insist, and for Congress to go along with his insistence, that this program be paid for by special taxes to be paid only by the elderly. The principle that people of a particular age group should be singled out for higher taxes for certain benefits is simply wrong. It has no economic justification, and it is not fair according to the rules of democratic government. Some have argued that the principle is that those who receive the benefit should pay for it. I do not agree with that, because benefits are often extended to those who are in fact least able to pay. And in this case it is not even accurate: Many of those who are being forced to pay higher taxes under this bill simply because of their age will in fact receive no benefit from it. They are eli-

gible for the benefits, but the great majority of people will not incur catastrophic illness, and many of those who are in fact being forced to pay for these benefits already receive them through retirement plans or other methods. They in fact are being forced to pay for something which is of no value to them whatsoever.

I do agree that we should be providing help for those who face catastrophic illness. Indeed, I think we should be going further in providing for a form of national health insurance that will, using private medical providers, even out many of the inequities of the medical system. But it is essential that any such program be paid for equally.

We made the grave error, at President Reagan's insistence, of creating a system in which a 70-year-old making a particular income pays higher taxes than a 40-year-old making the same income. That is not fair. A far better way to proceed would be to pay for those benefits people already receive—and pay for them by fair taxation and by reducing wasteful spending elsewhere in Government.

It is important that Congress act this session to repeal this unfair tax on the elderly. I believe it is possible for us to finance many of the benefits that this program contains through fairer methods. I have myself proposed increases in the cigarette taxes, which would be paid by all people. I believe we can also shift money from other parts of the budget—it is absurd for American taxpayers to continue to pay so much more for the defense of Europe as a percentage of our gross national product than do many of those countries which directly benefit from our expenditures.

The myth that older people represent collectively a large pool of funds which we can take to finance programs must be exploded. There are some wealthy elderly people. There are also many poor ones and a large number who are getting by adequately but with no great margin. To put an extra tax on people simply because of their age is wrong. To make people who already receive benefits of this sort pay for them when they receive nothing in return is wrong. The approach that we took in the catastrophic bill will, if we do not change it quickly, discredit the very notion of trying to use Government to provide necessary services.

Of course it is wrong for us to have a society in which, older people who become ill face impoverishment. We should be providing for protection against that—and in ways that go beyond this catastrophic bill, for instance by dealing with the problem of nursing home care. The catastrophic bill does things badly and we should drastically change it right away.

Mr. OWENS of Utah. Mr. Speaker, our continued concern for the well-being of our senior citizens is appropriate and necessary. The attempts by Congress to secure adequate catastrophic health care for seniors have been strong and well intentioned, but they have failed to cover some of the most pressing anxieties faced by the elderly.

My distress over this issue led me to hold many individual conversations with senior citizens as well as a town meeting in mid-April where I discovered that many of my older constituents were confused and disheartened

by what they perceived as an inequitable tax on those who have invested in pension plans and purchased health insurance in preparation for retirement. Although they may not receive additional benefits from catastrophic protection, many of these people will be paying twice for the same coverage.

This fact is particularly troubling when we consider the recent findings by the Senate Finance Committee which state that the suggested supplemental premiums may bring in more money than is necessary to fund the program. Although that projection is disputed, if there is a surplus it must be cut from the program's budget.

In addition, the act does not adequately address long-term health care, which is one of the most pressing concerns of the elderly and is still under discussion. Long-term care accounts for over 80 percent of out-of-pocket health care expenses, and it is estimated that this year nearly 1 million people in the United States will be forced into poverty trying to meet these costs. Congress has a responsibility to provide coverage for long-term care and prevent the impoverishment of elderly Americans.

In light of these facts, I have become a cosponsor of the Medicare Catastrophic Coverage Revision Act of 1989, offered by Mr. DEFAZIO, which would delay the implementation of many portions of the act until public hearings can be held and Congress has had another opportunity to examine the act.

I continue to believe that catastrophic protection has been an honest effort to relieve the burden of health care which has been placed on senior citizens. But I am not yet satisfied that this act fully covers what America's seniors want or need.

Mr. SHUMWAY. Mr. Speaker, I appreciate having this opportunity to speak out on behalf of the many senior citizens I am privileged to represent concerning the terribly unfair burden imposed by the Medicare Catastrophic Coverage Act.

I have opposed this bill from the outset, calling it "catastrophic taxation" and "a cruel hoax on the elderly." As passed, the bill fell far short of the goal of providing affordable, catastrophic health insurance coverage. Instead, it represented the largest expansion of Medicare since the program was created over 20 years ago, requiring that we impose the catastrophic taxation I mentioned earlier to provide protection against the cost of catastrophic illness.

Unfortunately, the media has presented a somewhat superficial overview and description of the act. Thus, most seniors remain in the dark concerning benefits included, costs incurred, and how the measure relates to similar coverage they may already have provided for themselves, or have provided for them by employer retirement programs. Middle-class seniors are being forced to bear the brunt of financing benefits for which they may not even qualify, or which they may already have provided for themselves under private plans.

More than 11 million senior citizens, or 35 percent of all retirees, will be forced to pay the new Medicare surtax this year. Both the tax rates and the percentage of elderly paying the tax will continue to rise in future years. Ac-

ording to the Congressional Budget Office [CBO], 42 percent of the elderly, or 14 million retirees, will be paying the new tax by 1993—by which time the surtax rate will have increased from today's 15 percent to 28 percent. Recent proposals to lower the cap will not cure the inequities in this legislation and should not be accepted as a solution. Congress can just as easily raise the cap when additional revenues are needed.

Most seniors will be paying for health care coverage they do not need. Of the Nation's 32 million Medicare beneficiaries, 125,000 will benefit from the provision allowing for hospital stays in excess of 60 days per year. This act assures that 93 percent of the participants will not exceed the out-of-pocket limit on physicians fees and services. Moreover, 83.2 percent will never exceed the deductible for prescription drugs. Costs to the potential beneficiaries in terms of taxes, premiums, and deductibles will continue to rise while the percentage of actual beneficiaries remains constant.

Furthermore, over 70 percent of Medicare beneficiaries already have provided catastrophic coverage for themselves. Participants who are most likely to incur the supplemental premium are likely to be covered by their existing Medigap or retirement health plans. Nearly 70 percent of Medicare enrollees also carry policies to cover what Medicare does not offer, and another 10 percent are covered by Medicaid.

As my colleagues joining in this special order today know well, the so-called catastrophic care package is riddled with flaws. It imposes a staggering burden; it treats seniors inequitably and, perhaps worst of all, it fails to provide the coverage which most seniors deem most important: long-term care. During a field hearing of the Aging Committee in my district last year, seniors overwhelmingly named long-term care their greatest medical threat and burden.

Congress needs to revisit this issue, and to provide that we are not above admitting that an error has been made. The Medicare Catastrophic Coverage Act as it now stands is a costly mistake in more ways than one. It should be repealed, or at least delayed, while more equitable and appropriate financing mechanisms are found. Additionally, I believe that seniors should have the opportunity to "opt out" of the program if they have already taken steps to provide for themselves. This session today will not correct any of the program's flaws, nor will it institute needed reforms. However, at least it will convince our respective senior constituencies that their voices have been heard, and that we share their outrage.

Mr. BAKER. Mr. Speaker, those of us who voted against the Medicare Catastrophic Coverage Act, and many others who have changed their position regarding this law, have worked incessantly hard to arrange additional hearings on the Medicare Catastrophic Coverage Law. Clearly, these hearings are essential to help deal with the animosity and anger which has been directed our way since passage of the catastrophic law. The majority of seniors are upset and rightly so. We must act quickly and responsibly, to either modify, delay, or if necessary, repeal the catastrophic law.

During my 16 years in the Louisiana State Legislature and the past 3 years in the U.S. House of Representatives, I cannot recall when I have received so much mail in opposition to a legislative act. I have received thousands of personal and often handwritten letters from seniors who tell me how this catastrophic law has hurt them financially. This vocal group of seniors have had the good fortune to be able to save their money for their retirement years. They have planned extensively, worked hard, and have every right to be secure in retirement. However, the current catastrophic law threatens to take much of this security away.

As you know, the catastrophic law creates havoc in the lives of senior citizens. Many seniors and young disabled individuals have told me of the inadequacy of this so-called "wonderful health care plan." Clearly, there are serious gaps in the coverage offered by the catastrophic law. One of the biggest deficits in the law is that the law does not provide the elderly with what they need the most; long-term home and nursing home care. In addition studies have shown that only 4 percent to four-tenths of 1 percent of seniors will benefit from the provisions in the catastrophic law. How can we require seniors to pay exorbitant prices for coverage they do not want, will not be able to use, and that is inadequate to meet their needs?

Over 70 percent of seniors have Medigap policies, receive employer sponsored health insurance coverage, are members of Health Maintenance Organizations (HMO's), or have other catastrophic insurance which adequately addresses their needs. Many of the seniors have told me that they will have to give up their adequate and comprehensive health care plans in order to afford to pay the mandatory fees and taxes required by this new law. This is outrageous! We are making strong, independent seniors dependent. What is worse, we are telling them that they have no choice; they must accept what we consider to be best for them, and that they have to pay the outrageous fees and a discriminatory surtax.

Clearly, seniors want the law changed. It is up to us to correct this situation and remove the additional unwarranted financial hardship this law has placed on them.

While there is certainly a need to help older Americans handle the financial burdens of catastrophic health care, my primary reason for voting against this bill was that its financing mechanism is seriously flawed and will create additional hardships for the elderly. The cost to the majority of Medicare participants far outweighs the benefits they could ever hope to receive.

I am looking forward to these hearings and hope that Congress will either modify or repeal the catastrophic law.

Mr. SPENCE. Mr. Speaker, in the past months, my office has been inundated with mail from concerned constituents expressing their strong opposition to Public Law 100-360, the Catastrophic Health Care law. Essentially, the law has two serious shortcomings which have been continually brought to my attention by the elderly and their families.

First, senior citizens had asked for some protection against the devastating, economic impact that can occur if struck by some debili-

tating, long-term illness. During consideration of H.R. 2470 in 1988, many of the elderly, and their Washington representatives, believed, partly due to the overwhelming publicity that billed the proposal as their economic savior, that the new law would address this concern by providing them with some reasonable assurance that they would not be reduced to poverty. Now, to their dismay, they have discovered that long-term coverage was not part of the new law.

Second, many elderly view the law as discriminatory. In an effort to keep this expansion of Medicare budget-neutral, the leadership devised a financing mechanism, under the guise of a premium, whereupon supposedly economically able older Americans would be taxed to pay for the expansion. The tax has the potential of serving as a disincentive to Americans to remain independent from Government assistance programs during their retirement years. Given current budget constraints, this is exactly the opposite of what Congress should be encouraging. Also, it sometimes results in citizens paying twice, once to their own private insurance policies and then in the form of the catastrophic surtax, for health coverage—a sort of health care double jeopardy.

While the law did include some valuable improvements in medical coverage for the elderly, it cannot be denied that the law is seriously flawed and that reform is needed. We should work to develop and initiate these reforms as soon as possible and I pledge my cooperation and energy to bring about such responsible change.

Mr. RINALDO. Mr. Speaker, I want to commend my colleagues for reserving this time today to speak on an issue that is of critical importance to senior citizens across the country—the Medicare Catastrophic Coverage Act passed into law last year.

We have witnessed an almost complete reversal of senior citizen sentiment on this matter.

In 1986, after his State of the Union message calling for catastrophic health coverage, President Reagan was almost universally praised by Members of Congress and senior citizens.

Today, we see a grassroots revolt among Medicare beneficiaries who are objecting to the financing mechanism of this legislation.

Moreover, we have seen over 2 dozen pieces of legislation introduced in the House alone to alter the catastrophic program. And in the other body, an amendment to delay enactment of the program for 1 year was narrowly defeated by only 1 vote.

I don't think Members should be surprised by these developments.

I remind my colleagues that when H.R. 2470 came to the House floor 2 years ago, many Democrats privately complained that the legislation was poorly conceived. In fact, many of them came up to commend the minority for its substitute to that bill.

They were right then, and I think we are right today to continue pushing for a more sensible, more pragmatic program, and one that is not so expensive that senior citizens will repudiate it.

The Michel-Rinaldo substitute that came to the House floor in 1987 was an excellent piece of legislation. In fact, it did one thing that the committee legislation could not do:

It attracted a number of votes from the other side of the aisle. It built upon the original Bowen plan for catastrophic hospital coverage by attacking the most important and pressing health care need of senior citizens—long-term nursing and home health care.

The substitute, which I helped to write, incorporated the provisions of my legislation, H.R. 3501, to establish a partnership between the Federal Government and the private sector to provide long-term care.

In the near future, I will reintroduce a modified version of the proposal.

My bill will repeal the surtax in the Medicare Catastrophic Coverage Act; retain the essential elements of that bill for catastrophic hospital coverage, extended part B coverage, and drug coverage for the poor; include the provisions of H.R. 3501 to establish a public-private partnership for long-term care; and establish a Federal reinsurance mechanism to promote widespread private long-term coverage.

Mr. Speaker, I am pleased at the opportunity to join my colleagues today in pressing for these reforms, and I also want to note that we are finally seeing some movement in the committees of jurisdiction.

The Senate Finance Committee has held hearings on this issue.

Just last week, the Energy and Commerce Committee adopted a resolution urging that this program be made voluntary.

And the Ways and Means Committee is also considering proposals to modify the act.

I endorse these efforts, because I think they are a direct response to the outcry from senior citizens.

We should listen to them when they tell us they don't want to be saddled with this surtax. I oppose that tax, and it should be repealed without delay.

Again, I want to commend my colleagues for obtaining this special order today, and I yield back the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank you and would like to join my colleagues in this special order to discuss the need to change the Medicare Catastrophic Coverage Act of 1988. The need for providing a comprehensive long-term coverage health care plan for the elderly is very real. Although many of the elderly and disabled have some private or public health insurance coverage in addition to that offered under Medicare, an estimated 20 percent of the elderly, many poor or near poor, do not have additional protection.

While the current Medicare Program does provide fairly good protection against costs associated with acute illness, it affords less adequate protection against certain other health care expenses of the elderly. Specifically, Medicare does not establish an upper limit on cost-sharing charges in connection with covered program services, nor does it provide coverage for particular services frequently used by senior citizens.

The Medicare Catastrophic Coverage Act of 1988 has attempted to respond to these concerns. This legislation does place an upper

limit on beneficiary cost sharing in connection with covered Medicare services, adds a catastrophic prescription drug program, and does require State Medicaid programs to pay Medicare cost-sharing and premium charges for Medicare enrollees below the poverty line.

However, this legislation does not include protection against long-term institutional care expenditures. Yet such long-term care insurance is the very type of health care protection which the elderly need most.

Furthermore, this mandatory program does not aid all Medicare enrollees. In fact, by 1993, when the program will be fully implemented, only 22 percent of Medicare enrollees will profit from the expanded benefits each year. Moreover, approximately 30 percent of the enrollees will pay more in new premiums, which include the supplemental plus the new part B provisions, than they will receive in new benefits.

Health care reform should benefit the majority. It should not penalize those who contribute the most to its financing while unfairly rewarding a minority or recipients who contribute least. Yet this is exactly what the Medicare Catastrophic Coverage Act of 1988 does. Consequently, I am firmly opposed to this bill and believe that it should be repealed in full.

We need to go back to the drawing board and reassess the health needs of the majority of the elderly in order to establish a comprehensive long-term care coverage program. I believe that H.R. 332, the Catastrophic Coverage Repeal Act of 1989, provides the means necessary to fulfill these goals. This bill would not only repeal the Medicare Catastrophic Coverage Act of 1988, but would also establish an advisory committee to study the needs of Medicare recipients for long-term acute care and to report on their findings. This report would devise a program to provide Medicare coverage for long-term acute care while simultaneously preserving the role of private insurance and minimizing duplicate coverage.

As a cosponsor of H.R. 332, I have pledged my support to finding a more efficient and comprehensive plan to provide insurance coverage for long-term health care costs for all Medicare enrollees. I encourage my colleagues to come to the aid of our elderly and support H.R. 332.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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. FAWELL) to revise and

extend their remarks and include extraneous material:)

Mr. McEWEN, for 60 minutes, today.

Mr. PORTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. STEARNS, for 5 minutes, today.

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

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 15 minutes, today.

Mr. TALLON, for 30 minutes, on July 20.

Mr. WALGREN, for 30 minutes, on July 24.

(The following Member of Congress (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. GEKAS.

Mr. DAVIS.

Mr. CHANDLER.

Mr. DORNAN of California in two instances.

Mr. MACHTLEY.

Mr. BARTON of Texas.

Mr. GRANT.

Mr. COLEMAN of Missouri.

Mr. SOLOMON.

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

Mr. MAZZOLI.

Mr. RICHARDSON.

Mr. GRAY.

Mr. RANGEL.

Mr. BRUCE.

Mr. RAY.

Mr. STARK.

Mr. MONTGOMERY.

Mr. TALLON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, WV; to the Committee on Interior and Insular Affairs.

S. 267. An act to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID; to the Committee on Interior and Insular Affairs.

S. 830. An act to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its pur-

poses and to increase the authorization of appropriations for the Commission; to the Committee on Interior and Insular Affairs.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

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

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain;"

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations; and

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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 19, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1467. A letter from the Assistant Secretary of State for Legislative Affairs transmitting copies of the original report of political contributions by Richard A Moore, of the District of Columbia, Ambassador Extraordinary and Plenipotentiary-designate to Ireland, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1468. A letter from the Assistant Secretary of State for Legislative Affairs transmitting copies of the original reports of political contributions by William Lacy Swing, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of South Africa; and by Johnny Young, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Sierra Leone, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1469. A letter from the Secretary of Veterans Affairs transmitting a draft of proposed legislation to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; jointly, to the Committees on Veterans' Affairs, Government Operations, Merchant Marine and Fisheries, and Rules.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1031. A bill to authorize the reformation of Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts; with an amendment (Rept. 101-151, Pt. 1). And ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 205. Resolution waiving certain points of order against the consideration of 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. 101-152). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. AUCOIN:

H.R. 2917. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 2918. A bill to delay the effective date of an amendment to the Controlled Substances Act that prohibits transfers of forfeited property by the Attorney General to State and local law enforcement agencies if such transfers circumvent State law; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. LEHMAN of Florida (for himself, Mr. BENNETT, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FASCELL, Mr. FAUNTROY, Mr. GRANT, Mr. JOHNSTON of Florida, Mr. KOLTER, Mr. NELSON of Florida, Ms. PELOSI, and Mr. RANGEL):

H.R. 2919. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Education and Labor.

By Mr. McCRERY (for himself, Mrs. BOGGS, Mr. LIVINGSTON, Mr. BAKER, Mr. HAYES of Louisiana, Mr. HOLLOWAY, Mr. HUCKABY, Mr. TAUZIN, Mr. WILSON, and Mr. CHAPMAN):

H.R. 2920. A bill to grant the consent of Congress to an amendment to a compact ratified by the States of Louisiana and Texas and relating to the waters of the Sabine River; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY (for himself, Mr. RINALDO, Mr. FRANK, Mrs. ROUKEMA, Mr. SHAYS, and Mr. STARK):

H.R. 2921. A bill to amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment for advertising and solicitation purposes; to the Committee on Energy and Commerce.

By Ms. OAKAR (for herself and Mr. ANNUNZIO):

H.R. 2922. A bill to consolidate and revise the laws relating to the organization and authority of the U.S. Capitol Police Force, and for other purposes; to the Committee on House Administration.

By Mrs. SMITH of Nebraska (for herself, Mr. DORGAN of North Dakota, Mr. BROWN of Colorado, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. MARLENEE, Mr. LIGHTFOOT, and Mr. STENHOLM):

H.R. 2923. A bill to amend the Internal Revenue Code to extend the 1 year deferral of income from the sale of livestock on account of drought; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 2924. A bill to amend titles XVIII and XIX of the Social Security Act to provide for budget reconciliation of the Medicare and Medicaid Programs for fiscal years 1990 and 1991 in accordance with reconciliation instructions to the Committee on Energy and Commerce; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MFUME:

H.J. Res. 367. Joint resolution designating February 11 through 17, 1990, as "Vocational-Technical Education Week"; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.J. Res. 368. Joint resolution to prohibit the proposed sale to Pakistan of F-16 aircraft; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Res. 204. Resolution electing Representative Grandy of Iowa to the Committee on Standards of Official Conduct; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

201. By the SPEAKER: Memorial of the General Assembly of the State of Illinois, relative to the Food and Security Act of 1990; to the Committee on Agriculture.

202. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to military chaplains; to the Committee on Armed Services.

203. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the airplane crash of December 12, 1985, at Gander, NF, Canada; to the Committee on Foreign Affairs.

204. Also, memorial of the General Assembly of the State of Colorado, relative to an amendment to the Constitution of the United States which would protect the American flag from desecration; to the Committee on the Judiciary.

205. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to proposing an amendment to the Constitution regarding flag desecration; to the Committee on the Judiciary.

206. Also, memorial of the Legislature of the State of Michigan, relative to the Army Corps of Engineers; to the Committee on Public Works and Transportation.

207. Also, memorial of the Assembly of the State of California, relative to highway projects; to the Committee on Public Works and Transportation.

208. Also, memorial of the Assembly of the State of California, relative to improving the traffic flow through the Calexico Port of Entry; jointly, to the Committees on

Public Works and Transportation and Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 83: Mr. UPTON.
 H.R. 145: Mr. ECKART.
 H.R. 373: Mr. SHUMWAY, Mr. RICHARDSON, and Mr. ECKART.
 H.R. 418: Mr. NEAL of North Carolina.
 H.R. 500: Mr. SPENCE.
 H.R. 539: Mr. BARNARD, Mr. SUNDQUIST, Ms. KAPTUR, Mr. RANGEL, Mr. ROGERS, Mr. ANDREWS, and Mr. KOSTMAYER.
 H.R. 572: Mrs. SAIKI.
 H.R. 579: Mr. PASHAYAN.
 H.R. 638: Mrs. UNSOELD.
 H.R. 694: Mr. LAUGHLIN.
 H.R. 711: Mr. TRAFICANT, Mr. BEVILL, Mr. CLINGER, Mr. MATSUI, and Mr. HATCHER.
 H.R. 720: Mr. SWIFT and Mr. FAWELL.
 H.R. 752: Mr. BEREUTER.
 H.R. 979: Mr. DIXON, Mr. CAMPBELL of California, Mr. MINETA, and Mr. BEREUTER.
 H.R. 1029: Mr. GINGRICH.
 H.R. 1046: Mr. TRAFICANT and Mr. RANGEL.
 H.R. 1083: Mr. GINGRICH, Mr. MATSUI, Mr. WISE, Mr. ECKART, and Mr. MONTGOMERY.
 H.R. 1129: Ms. SLAUGHTER of New York.
 H.R. 1193: Mrs. MARTIN of Illinois, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. BOEHLERT, Mr. TALLON, and Mr. SHUMWAY.
 H.R. 1205: Mr. GILMAN, Mr. HOLLOWAY, and Mr. SCHIFF.
 H.R. 1216: Mr. GORDON, Mr. FORD of Tennessee, Mr. HEFLEY, Mr. TRAFICANT, Mr. HUGHES, Mr. MAVROULES, and Mr. WAXMAN.
 H.R. 1221: Mr. SKELTON.
 H.R. 1307: Mr. NATCHER, Mr. ROBERT F. SMITH, Mr. LEATH of Texas, Mr. SUNDQUIST, Mr. BUECHNER, Mr. UPTON, and Mr. BLILEY.
 H.R. 1337: Mr. BONIOR.
 H.R. 1401: Mr. KOLBE.
 H.R. 1565: Mr. HERGER.
 H.R. 1573: Mr. HAYES of Illinois, Mr. VIS-CLOSKY, Mr. KENNEDY, and Mr. ROE.
 H.R. 1588: Mr. WISE, Mr. HOLLOWAY, and Mr. CLINGER.
 H.R. 1617: Mr. BUNNING and Mr. MAZZOLI.
 H.R. 1628: Mr. McCURDY and Mr. SISISKY.
 H.R. 1631: Mr. FASCELL.
 H.R. 1733: Mr. DE LUGO, Mr. HUGHES, and Mr. ENGEL.
 H.R. 1746: Mr. BONIOR.
 H.R. 1845: Mr. STOKES.
 H.R. 2086: Mr. KOLTER, Mr. PASHAYAN, Mr. CAMPBELL of Colorado, Mr. HOLLOWAY, and Mr. ECKART.
 H.R. 2103: Mr. NIELSON of Utah, Mr. STANGELAND, and Mr. YOUNG of Alaska.
 H.R. 2112: Mr. KOLBE.
 H.R. 2121: Mr. YATRON, Mr. DEFazio, Mr. MAZZOLI, Ms. LONG, Mr. HANCOCK, Mr. SWIFT, and Mr. BUNNING.
 H.R. 2131: Mr. CLEMENT and Mr. ECKART.
 H.R. 2132: Mr. SAXTON and Mr. HERGER.
 H.R. 2133: Mr. HERGER and Mr. SAXTON.
 H.R. 2209: Mr. HAYES of Louisiana.
 H.R. 2233: Mr. CAMPBELL of California.
 H.R. 2283: Mr. SPENCE, Mr. HAWKINS, and Mr. HANCOCK.
 H.R. 2290: Mr. RANGEL, Mr. HORTON, and Ms. PELOSI.
 H.R. 2331: Mr. JOHNSON of South Dakota and Mr. LOWERY of California.
 H.R. 2361: Mr. RAY.
 H.R. 2362: Mr. RAY.
 H.R. 2403: Mr. WHEAT and Mr. DE LUGO.
 H.R. 2437: Mr. SHAYS.

H.R. 2462: Mr. BRYANT, Mr. CAMPBELL of Colorado, and Mr. ECKART.

H.R. 2466: Mr. CROCKETT.
 H.R. 2485: Mr. JONTZ, Mr. ACKERMAN, Mr. ATKINS, Mr. MORRISON of Connecticut, Mr. CROCKETT, Mr. CAMPBELL of Colorado, Mr. SMITH of Florida, Mr. FORD of Michigan, Mr. FAZIO, Mr. LELAND, Mr. KILDEE, Mr. FUSTER, Mr. HILER, Mr. VIS-CLOSKY, Ms. KAPTUR, Mr. SIKORSKI, and Mr. HENRY.
 H.R. 2584: Mr. SCHEUER, Mr. FUSTER, Mr. HORTON, Mr. KOSTMAYER, Mr. BROWN of California, Mr. FLORIO, and Ms. PELOSI.
 H.R. 2646: Mr. BALLENGER.
 H.R. 2648: Mrs. BOXER, Mr. ENGEL, Mr. REGULA, Mr. FUSTER, Mr. KLECZKA, and Mr. KOLBE.
 H.R. 2681: Mr. FLORIO and Mrs. COLLINS.
 H.R. 2682: Mr. CLEMENT.
 H.R. 2699: Mr. PRICE, Mr. SMITH of Florida, and Mr. GILMAN.
 H.R. 2707: Mr. ROSE, Mr. JONES of North Carolina, Mr. BEVILL, and Mr. SAXTON.
 H.R. 2708: Mr. ECKART, Mr. SLATTERY, Mr. JONES of Georgia, Mr. MORRISON of Connecticut, Mr. ATKINS, Mr. SMITH of Florida, Mr. HERTEL, and Mr. McDermott.
 H.R. 2726: Mr. STARK, Mr. RAHALL, Mr. TOWNS, Mr. BATES, Mr. DE LUGO, Mr. MATSUI, Mr. McEWEN, Mr. DEFazio, Mr. CAMPBELL of Colorado, Mr. ROE, Mr. BEVILL, Mr. SENSENBRENNER, Mr. FAUNTROY, Mr. ATKINS, Mr. SCHEUER, Mr. DICKS, Mr. FALCONI, Mr. VALENTINE, Mr. ENGEL, Mr. NEAL of North Carolina, Mr. LEWIS of Georgia, Mr. SKELTON, Ms. PELOSI, Mr. BAKER, Mr. WALSH, Mr. DELLUMS, Mr. ACKERMAN, Mr. EVANS, Mr. AKAKA, Mr. JONES of Georgia, Mr. KENNEDY, and Mr. LANTOS.
 H.R. 2772: Mr. LEWIS of Georgia, Mr. DE LUGO, Mr. TOWNS, Mr. FORD of Tennessee, Mr. CHAPMAN, Mr. BEREUTER, and Mr. KENNEDY.
 H.R. 2796: Mr. INHOFE and Mr. McCURDY.
 H.R. 2807: Mr. RAY, Mr. MADIGAN, Mr. MOAKLEY, Mr. STUMP, Mr. FLORIO, Mr. HYDE, Mr. McEWEN, Mr. GUNDERSON, Mr. WAXMAN, and Mr. SKEEN.
 H.R. 2853: Mr. ENGEL, Mr. HORTON, and Mr. DYMALLY.
 H.R. 2872: Mr. MACTHLEY.
 H.J. Res. 81: Mr. PETRI.
 H.J. Res. 104: Mr. WEBER, Mr. AU COIN, Mr. HILER, Mr. PURSELL, and Mr. VANDER JAGT.
 H.J. Res. 115: Mr. SMITH of Florida, Mr. FLAKE, Mr. WHITTAKER, and Mr. VOLKMER.
 H.J. Res. 130: Mr. KANJORSKI, Mr. SARPALIUS, Mr. HANSEN, Mr. DICKS, Ms. SLAUGHTER of New York, Mr. HILER, Mr. BORSKI, Mr. WOLPE, Mr. BURTON of Indiana, Mr. CALLAHAN, Mrs. BOGGS, Mr. PARKER, Mr. BARTLETT, Mr. COBLE, Mr. PURSELL, Mr. MOORHEAD, Mr. CONTE, Mr. WISE, Mr. STAGGERS, Mr. DURBIN, Mr. CRAIG, Mr. DUNCAN, Mr. INHOFE, Mr. VALENTINE, Mr. SLATTERY, Mr. GILLMOR, Mr. HASTERT, Mr. McCREERY, Mr. HERGER, Mr. COLEMAN of Missouri, Mr. OXLEY, Mr. BILBRAY, Mr. HOUGHTON, Mr. DOUGLAS, Mr. SPENCE, Mr. THOMAS of California, Mr. DARDEN, Mrs. MARTIN of Illinois, Mr. UPTON, Mr. GINGRICH, Mr. SMITH of Texas, Mr. MARLENEE, Mr. ROHRBACHER, Mr. SCHIFF, Mr. McMILLAN of North Carolina, Mr. SLAUGHTER of Virginia, Mr. SKAGGS, Mrs. MORELLA, and Mr. SMITH of Mississippi.
 H.J. Res. 138: Mr. RAHALL, Mrs. SAIKI, Mr. WALSH, Mr. McCURDY, Mr. CARDIN, Mr. GRAY, Mr. TOWNS, Mr. YOUNG of Alaska, Mrs. LOWEY of New York, Mr. THOMAS A. LUKE, Mr. HAYES of Illinois, Mr. CARR, Mr. DEFazio, Mr. DERRICK, Mr. FORD of Tennessee, Mr. HAWKINS, Mr. KANJORSKI, Mr. TAUZIN, Mr. McMILLEN of Maryland, Mr.

RAY, Mr. SLATTERY, Mr. STOKES, Mr. SYNAR, Mrs. UNSOELD, Mr. WHEAT, Mr. WALGREEN, Mr. COOPER, Mr. LAGOMARSINO, and Mr. PETRI.

H.J. Res. 160: Ms. PELOSI.
 H.J. Res. 204: Mr. SPENCE, Mr. BARTLETT, Mr. LELAND, Mr. VENTO, Mr. SABO, Mr. BEVILL, Mr. ARCHER, Mr. RANGEL, Mr. PRICE, Mr. PETRI, Mr. KOSTMAYER, Mr. GINGRICH, and Mrs. LLOYD.
 H.J. Res. 217: Mr. STARK, Mr. MACTHLEY, Mr. WYDEN, Mr. HENRY, Mr. GREEN, and Mr. GORDON.
 H.J. Res. 278: Mr. BEREUTER, Mr. HUGHES, Mr. SHUMWAY, Mr. GALLEGLY, Mr. ESPY, Ms. KAPTUR, Mr. GALLO, and Mr. HILER.
 H.J. Res. 305: Mr. ROGERS, Mr. BILBRAY, Mr. SANGMEISTER, Mr. PAYNE of Virginia, Mr. HUTTO, Mr. LAGOMARSINO, Mr. DANNE-MEYER, Mr. BARTON of Texas, Mr. HOCHBRUECKNER, and Mr. CHAPMAN.
 H.J. Res. 330: Mr. GALLEGLY, Mr. PICKETT, Mr. WYLIE, Mr. McNULTY, Mr. BEVILL, Mrs. MARTIN of Illinois, Mr. STEARNS, Mr. OXLEY, and Mr. SANGMEISTER.
 H.J. Res. 333: Mr. WILSON and Mr. DANNE-MEYER.
 H.J. Res. 350: Mr. GORDON, Mr. LIPINSKI, Mr. BUSTAMANTE, Mr. HASTERT, Mr. ARMEY, Mr. HATCHER, Mr. BLILEY, Mr. HORTON, Mr. WHITTEN, Mr. SCHAEFER, Mr. POSHARD, Mr. ESPY, Mr. QUILLIN, and Mr. BAKER.
 H. Con. Res. 66: Mr. STUDDS.
 H. Con. Res. 69: Mr. HERTEL.
 H. Con. Res. 87: Mr. JONTZ, Mr. KENNEDY, Mr. ANDREWS, Mr. GEJDENSON, Mr. NOWAK, Mr. GLICKMAN, Mr. ASPIN, Mr. MICHEL, Mr. FRENZEL, Mr. CARPER, Mr. TORRICELLI, Mr. VENTO, Mr. AU COIN, Mr. LEACH of Iowa, Mr. MANTON, Mr. BONIOR, Mr. CAMPBELL of California, Mr. BATES, and Mr. WHEAT.
 H. Con. Res. 128: Mr. PARKER.
 H. Con. Res. 147: Mr. EDWARDS of Oklahoma, Mr. DELAY, Mr. ATKINS, Mr. MILLER of Washington, Mr. DYMALLY, Mr. ROBINSON, Mrs. MARTIN of Illinois, Mr. FRANK, Mr. NIELSON of Utah, Mr. LEVIN of Michigan, Mr. SCHEUER, Mr. TOWNS, Mr. MARTINEZ, Mr. RANGEL, and Mr. BOEHLERT.
 H. Con. Res. 154: Mr. DONALD E. LUKENS, Mr. HORTON, and Mr. GEJDENSON.
 H. Con. Res. 161: Mr. McCOLLUM, Mr. COBLE, and Mr. HARRIS.
 H. Res. 128: Mr. TORRICELLI, Mr. DONALD E. LUKENS, and Mr. BROOMFIELD.
 H. Res. 170: Mr. FAZIO, Mr. ENGEL, and Mr. HAWKINS.
 H. Res. 176: Mr. FIELDS.
 H. Res. 178: Mr. FROST, Mr. RITTER, and Mr. WOLPE.
 H. Res. 197: Mr. JOHNSTON of Florida, Mr. SKAGGS, Mr. BROWDER, Mr. BOEHLERT, Mr. LEWIS of Florida, Mr. RITTER, Mr. SMITH of Texas, Mr. SMITH of New Hampshire, Mr. HENRY, Mr. FAWELL, Mr. SLAUGHTER of Virginia, Mr. BUECHNER, Mrs. MORELLA, Mr. SHAYS, Mr. SCHIFF, Mr. PACKARD, and Mr. MORRISON of Washington.

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. 660: Mr. RHODES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

61. By the SPEAKER: Petition of Mrs. Pattie C. Roemer, Baton Rouge, LA, relative to adult literacy; to the Committee on Education and Labor.

62. Also, petition of the Town of Plattsburgh, NY, relative to supporting H.R. 2230; to the Committee on the Judiciary.

63. Also, petition of the Council of the County of Hawaii, Hilo, HI, relative to Chi-

nese nationals in the United States; to the Committee on the Judiciary.

nese nationals in the United States; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2916

By Mr. BEREUTER:

—In the item relating to "SALARIES AND EXPENSES" under the heading "MANAGEMENT AND ADMINISTRATION" in the title relating to

the Department of Housing and Urban Development, insert before the period the following: *Provided further*, That the Secretary of the Department of Housing and Urban Development shall submit to the Congress not later than July 1, 1990, a report to reveal and explain the extent to which decisionmaking in the department has been centralized during the 15-year period ending on the date of the enactment of this Act and the percentage and amount by which the grant or loan funds subject to the direct discretion of the Secretary has increased during such period.

Without objection, the title of the bill is amended to read: "The Department of Housing and Urban Development."

RECOGNITION OF THE REPUBLICAN LEADER

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 3 minutes each.

Mr. ADAMS and Mr. THURMOND addressed the Chair. The PRESIDENT pro tempore. The distinguished Senator from Washington (Mr. Adams) is recognized.

Our hearts are especially outstretched for White Army employees in the Iranian Revolution. General Kim in the urgent loss of the war, 4 months ago, and in the head of a strong movement that is the knowledge that all of us feel in sympathy and prayer. Help us, gracious Father, to be ready for the joyous and caring to each other as we are aware of each other's needs. In the love of God we pray, 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 as printed. 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 until 10:30 with Senators permitted to speak therein for up to 3 minutes each. The time between 10:30 and 11:30 will also be considered as morning business for the purpose of the transaction of legislative and constitutional amendments relating to the issue of the description

* The "bullet" symbol identifies comments or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—Tuesday, July 18, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10 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:

*Grace be to you and peace from God our Father, and from the Lord Jesus Christ. Blessed be God, even the Father of our Lord Jesus Christ, the Father of mercies, and the God of all comfort * * *.—II Corinthians 1:2, 3.*

God of all comfort, make Thy presence and Thy peace felt wherever there is hurting in our large family and with those who suffer in hospital and home. Encourage them with Thy love and grace. Assure them of the concern and prayers of their friends in the Senate community.

Our hearts are especially burdened for Willie Anthony, employee in the Dirksen Restaurant. Comfort him in the tragic loss of his wife, 4 months pregnant, shot in the head by a stray bullet as she sat on her front porch. Console him in the knowledge that all of us join in sympathy and prayer.

Help us, gracious Father, to be sensitive, loving, and caring to each other as we are aware of each other's needs.

In the love of God we pray. 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 until 10:30, with Senators permitted to speak therein for up to 5 minutes each. The time between 10:30 and 12:30 will also 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 American flag and discussion of that question. Senators will be permitted to speak for up to 10 minutes each during that period.

The Senate will stand in recess from 12:30 to 2:15 for the party conferences. When the Senate reconvenes at 2:15 p.m., there will be 20 minutes of debate on the Moynihan amendment, equally divided and controlled between Senators MOYNIHAN and HELMS. A vote on the Moynihan amendment will occur at 2:35 p.m.

I expect other votes to occur after the vote on the Moynihan amendment. So Senators should be aware that there will very likely be rollcall votes throughout the day during today's session.

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

The PRESIDENT pro tempore. Without objection, the time of the majority leader is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

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

Mr. DOLE. Mr. President, I reserve my time.

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. ADAMS and Mr. THURMOND addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Washington [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. President, I yield to the Senator from South Carolina if he has business that he has to take care of immediately. I have a 5-minute speech I wish to make in morning business.

Mr. THURMOND. I thank the Senator.

The PRESIDENT pro tempore. The senior Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 5 minutes.

TRIBUTE TO LT. GEN. HENRY DOCTOR, JR.

Mr. THURMOND. Mr. President, I rise today to recognize Lt. Gen. Henry Doctor, Jr., the inspector general of the Army and a South Carolinian, for his many years of meritorious service to our Nation. General Doctor retires from active service on July 31, 1989.

Hank, as he is known by his friends, was born in Oakley, SC. He graduated from South Carolina State College, where he was commissioned a second lieutenant of infantry and awarded a bachelor of science degree.

General Doctor has been the inspector general of the Army since July of 1986. He is widely respected for his inspirational leadership of the Inspector General Corps and his significant enhancement of the inspector general system. General Doctor's frankness, honesty, and compassion are reflected daily by every inspector general, inspector general assistant, and civilian employee of the Inspector General Corps throughout the Army.

As the inspector general, he is the key advisor to the Secretary of the Army and the Chief of Staff. His professional advice to the Army's senior leadership always demonstrated his deep concern for the Army and, especially, for its soldiers and their families. His actions always reflected his deep commitment to the credibility of the Inspector General Corps.

During his 35 years of military service, "Hank" Doctor held a wide variety of important command and staff positions. Immediately prior to his assignment as the inspector general, he served as the deputy inspector general. Prior to that he commanded the 2d Infantry Division in Korea where, several years ago, I personally had the opportunity to observe his dynamic leadership and sincere concern for the soldiers under his command.

General Doctor's other significant assignments included: director of the enlisted personnel management at the Army Military Personnel Center; commander, 1st Brigade, 25th Infantry Division; assistant division commander, 24th Infantry Division; and, Chief of Staff, U.S. Army Materiel Development and Readiness Command. He served overseas in Alaska, Europe, Hawaii, South Korea, and Vietnam, where he was executive officer of the 1st Battalion, 35th Infantry, 25th Infantry Division.

General Doctor's professional schooling include the U.S. Army In-

fantry School, the U.S. Army Command and General Staff College, and the U.S. Army War College. He also holds a master of arts degree in counseling and psychological services. General Doctor's awards and decorations include the Distinguished Service Medal, the Legion of Merit, the Bronze Star, the Air Medal, and Army Commendation Medal.

He is married to the former Janie Manigault. The Doctors have four children: Constanza, Lori, Kenneth, and Cheryl.

Hank Doctor is now completing his remarkable career. He will be missed by the soldiers with whom he served and by our grateful Nation.

I am pleased to salute Lt. Gen. Henry Doctor, the inspector general of the Army, for his many years of outstanding service to the U.S. Army and our country.

I am glad Hank and Janie could be here this morning. I take great pride in the fact that he is a South Carolinian, and I am proud of him as a great American. His accomplishments reflect the opportunities we have in America for all people who are willing to work and willing to prove themselves, as he has done.

I wish him and his family well.

I wish to thank the able Senator from Washington State, for allowing me this time.

The PRESIDENT pro tempore. The senior Senator from Washington [Mr. ADAMS] is recognized.

A SPECIAL EVACUATION TEAM FOR THE DEPARTMENT OF STATE

Mr. ADAMS. Mr. President, I rise this morning to indicate that during the further consideration of the State Department authorization bill I will be offering an amendment on behalf of the American citizens and their families who were caught in the web of confusion during the recent unrest and bloody tragedy in Beijing last month. I hope this amendment will be accepted by the managers. I believe that it will be.

While the world watched thousands of brave Chinese students stand up for democracy and fight their Government's resistance to freedom, many American citizens were in China and were directly affected by the political unrest. Thousands of American travelers, students, and Government personnel from my State and elsewhere, saw the growing tensions in Beijing and looked to their Government for help and assistance. Unfortunately, a lack of preparation caused delays in evacuating American citizens and created immense anxiety for their families and dependents here at home. This, of course, was reflected in my office in Washington and in Seattle and I am sure in many other offices in the

Senate and the House of the United States.

Thousands of these people needed help. The amendment that I am offering is not meant to criticize our Foreign Service personnel nor the obvious hard work of State Department employees here in Washington. They were under enormous pressure to assist American citizens seeking to leave China, and they kept the lights burning. But the situation in Beijing did not explode overnight. It developed over several days. And as we watched the hostilities grow, better preparation was warranted. Instead, our office—and I am certain many others—saw mass confusion from a system lacking in coordination and communication. Many constituents were given conflicting advice by the Embassy and, in some cases, were given dangerous advice. I personally was called by families and contacted the State Department, which at one time advised Americans to go to the Beijing Hotel, which was very bad advice. Some were told not to go to the airport; others were told to go to the airport immediately.

We need a special evacuation team in the State Department to assist embassy personnel on the ground. Our embassy personnel in Beijing stopped issuing visas during the turmoil because they were forced to handle a delayed and ad hoc evacuation policy. Certainly, we have had enough problems around the world with evacuating U.S. citizens that we need to have a system and an office that will provide not only assistance but will be able to tell us here as well as those abroad what should be done.

Mr. President, I am sad to report that the United States lagged behind every other Western country in evacuating its citizens from China. Other countries were landing planes, giving specific instructions. They had vans on the streets and they were taking people to the airport and seeing that they were leaving. Similar measures should have been implemented for Americans.

Mr. President, this is a very simple amendment. I do not think it will cause any disruption at the State Department and it will not cost additional amounts of money, but it will save us from a tragedy in the future.

First, there should be developed a model emergency contingency plan for evacuation of personnel, dependents, and U.S. citizens from foreign countries. This should be in place in our State Department in Washington, DC.

Second, there must be a data bank of American citizens in the area being evacuated. We do have the time to develop this data bank if we are immediately contacting people who have visas in the area. During the China evacuation, the State Department was

trying to keep track of our citizens on index cards.

Third, State Department personnel with expertise in evacuations should assess the transportation and communication resources in the area and determine the logistic support needed for evacuation. Parenthetically, I might state, Mr. President, I have been in China a number of times. The airport is a distance from town. There is no direct public transportation. It must be traveled by van or by taxi. We should have had a plan to get Americans to the airport.

Fourth, we must develop a plan for coordinating communications between embassy staff, Department of State personnel, and families of U.S. citizens abroad regarding the whereabouts of those citizens.

Mr. President, we grieve for the heroes of Tiananmen Square. We are fortunate not to have lost Americans. I urge my colleagues this afternoon to adopt this amendment to increase our ability to prepare for future crises.

The PRESIDENT pro tempore. What is the will of the Senate? The junior Senator from California [Mr. WILSON] is recognized for not to exceed 5 minutes.

SDI

Mr. WILSON. Mr. President, on this fine sunny morning with our flag billowing proudly in the soft, summer breezes of Washington, America is at peace.

And America remains defenseless and as much at peril from nuclear missile attack as we have been every morning and evening for the more than four decades since the dawn of nuclear war at Hiroshima.

That is right.

The terrifying but undeniable fact is that America is without defenses against the mind-numbing nightmare of nuclear devastation wrought by ballistic missile attack.

Yes, we possess some limited ability to retaliate against such an attack. And there are some among us who find in that stark possibility an adequate substitute for real defenses. They take comfort in what they term the doctrine of mutually assured destruction.

I do not.

And, Mr. President, America need not—certainly not—when there is available to us a real defense which is infinitely better both militarily and morally than continued exclusive reliance upon a precarious balance of nuclear terror, depending uncertainly upon the threat of mutual destruction.

That real defense—that humane and militarily more credible deterrent to unwinnable nuclear war—is SDI, the strategic defense initiative.

In March 1983, President Ronald Reagan charged America's scientific and military community to launch the initiative that would set in place a peace shield of ballistic missile defenses that would make impossible the success of a decapitating first strike by nuclear missile attack, thereby enhancing the certainty and credibility of our retaliatory deterrent, and thereby rendering irrational to a rational Soviet war planner the notion of a successful first strike.

In launching SDI, President Reagan asked with simple eloquence, "how much better to save lives than avenge them."

Clearly it seemed fully possible that in voicing this profound hope for all mankind, the President and SDI might in fact bring the world into a bright new age when a future of mutually assured survival would replace the dark past of mutually assured destruction.

So it seemed then. But on this sunny morning, the future is far less bright and clear.

Tragically, with so much within our grasp, it is all too clear that Congress does not attach the same importance to SDI as President Reagan or President Bush.

And it is painfully clear that Congress does not share their sense of urgency that America reach that time of assured survival as soon as possible. Congress is in no hurry to achieve the promise of SDI.

Meanwhile America remains defenseless to nuclear missile attack.

America remains defenseless, but the House of Representatives seems ready to prove once again that democracy is that form of Government which repeatedly imperils its very survival by electing policymakers who refuse to provide for an adequate national defense.

Specifically, after the administration responded to deficit pressures by a painful reduction of a billion dollars from President Reagan's proposed SDI budget for fiscal year 1990, the House Armed Services Committee slashed another \$1.1 billion to bring down authorized spending for SDI from \$4.6 to \$3.5 billion, or \$200 million less than the fiscal year 1989 SDI budget.

And I am advised that when the full House takes up the defense authorization bill within the next 2 weeks, it is expected that an amendment will be adopted that will further cut authorized spending for SDI to only \$2.8 billion, almost a full billion cut from the level of last year's spending.

Mr. President, successive cuts of that magnitude by the House do not represent prudent cost reductions. This is not careful pruning or even radical surgery. It is mutilation.

It is a 50-percent cut in the Reagan proposal for fiscal year 1990, and a 40-percent reduction in the far more aus-

tere, deficit-driven request of President Bush.

It is irresponsible and dangerous.

Mr. President, it gives me absolutely no joy to make so harsh a charge, and I do not do so lightly.

Rather I am compelled to do so by the harsh realities that will be caused by these unwise House cuts. I am prepared to document the impacts produced by the cuts which range from unwise to downright dangerous.

Mr. President, I offer for the RECORD the expert assessment of these threatened impacts of Lt. Gen. George L. Monahan, Jr., USAF, Director of the Strategic Defense Initiative Organization. General Monahan's assessment is contained in a letter from him to me, dated July 7, 1989.

Mr. President, I ask unanimous consent that the full text of his letter, including the attached tabular data, be printed in the RECORD to appear at the conclusion of my statement.

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

(See exhibit 1.)

Mr. WILSON. Mr. President, the sad experience of a continuing pattern of unwise House actions in prior years has led me to anticipate the need for General Monahan's expert assessment. I requested it during his appearance on June 15, 1989 before the Senate Armed Services Committee's Subcommittee on Strategic Forces and Nuclear Deterrence.

Specifically, I requested of General Monahan, in his capacity as Director of the Strategic Defense Initiative Organization, that he prepare an analysis of the impacts upon the SDI Program of spending cuts by the Congress of 10 percent, 20 percent, and 30 percent, from the \$4.6 billion requested by President Bush in the SDI budget for fiscal year 1990.

Mr. President, before proceeding to outline General Monahan's analysis, let me first provide some context for it.

I repeat that the United States has no defenses against ballistic missile attack other than the uncertain threat of our possible retaliation against such attack.

Let me add that none of our allies presently has defenses against missile attack. Some like Israel are in clear and present danger of such a potentially devastating attack and Israel specifically is trying desperately to achieve an antiballistic missile defense in time to prevent or successfully defend against the existing and growing missile capability of hostile neighbors.

But the ability of Israel, or Great Britain or West Germany to develop and deploy ABM defenses which may well make the difference between their destruction and their survival, is dependent upon the pace and progress of the American SDI Program. And

the pace and progress of SDI obviously depend upon adequate funding of SDI.

So what constitutes adequate funding?

Bear in mind that deficit reduction pressures have driven severe cuts in overall defense spending. President Bush's request of \$4.6 billion for SDI reflects one of the deepest and most serious cuts—a full billion dollars under the Reagan fiscal year 1990 request—even before any further cutting by Congress.

And the pace and progress of SDI? At his appearance before the Strategic Subcommittee on June 15, General Monahan repeatedly and emphatically made a plea that no further cuts be entertained, stating unequivocally that the \$4.6 billion requested by the President represented the bare minimum required to sustain essential pace and progress. Repeatedly he emphasized that any reduction below the \$4.6 billion would result in unaffordable program disruption and delay.

In his July 7 response to my request for written analysis of the impact that would be produced by incremental further reductions by Congress, General Monahan spelled out with painful clarity the specific impacts of such cuts.

Quite properly, the general did not mince words. He wrote:

The current program is structured to permit a deployment by the President within the next 4 years. * * *

Budget reductions from current levels may force both a delay in projects supporting an initial phase of a future strategic defense system, but an even longer delay in projects which support follow-on systems. This outcome could force a major redirection of the program.

The impact of successive budget reductions would also produce increasingly serious damage to the SDI program infrastructure * * * even at the 90-percent level we will have to begin dismantling this infrastructure, incur additional costs due to program stretchout and contract renegotiation/termination, force layoffs, and suffer losses of skilled scientists and engineers.

What is the magnitude of these losses?

With a 10-percent cut, "the national work force currently planned for fiscal year 1990 SDI research may be reduced by 3,500 personnel."

With a 20-percent cut, the projected reduction in national work force is "more than 6,000 personnel."

And with a 30-percent cut, the resulting cut in the planned work force reaches "more than 8,000 personnel."

And what then would be the result of so drastic a reduction in the SDI research program work force?

This funding level could not support the research and testing needed to make an informed deployment decision within 4 years.

U.S. funding for most allied cooperative programs, would be terminated. Specifically the arrow missile project currently being de-

veloped to provide Israel the anti-tactical ballistic missile defense, upon which it may well depend for survival, is threatened with termination.

Further, at a level of SDI funding that is only 70 percent of the President's request, the "layered defenses that meet the requirements of the Joint Chiefs of Staff" would also be a casualty.

The Joint Chiefs conceive correctly that America needs the kind of ABM defenses, consisting of both ground-based and space-based components, capable in combination of destroying attacking ballistic missiles in all three phases of their trajectories: boost phase, mid-course, and terminal.

Specifically "directed energy and advanced technology programs for follow-on systems would be fund-limited, rather than free to advance at the pace technology is developed." As an example, the very promising "brilliant pebbles" technology would be threatened with cancellation, or at least significant delay which we just cannot afford.

The net result of a 30-percent cut would be that " . . . initial deployment would be delayed until well after the year 2000, with no provision for follow-on systems to offset Soviet countermeasures to the initially deployed system."

Not surprisingly, General Monahan concludes that "the President's fiscal year 1990 requested level for the SDI Program must be upheld."

Let me underscore as forcefully as I can that the dire results which General Monahan has outlined are predicated upon a 70-percent level of funding; and it is expected that the House of Representatives will irresponsibly cut SDI funding to the very dangerous and utterly unacceptable level of only 60 percent.

Should the House, under any pretext, engage in so irresponsible an action, it cannot be shrugged off as merely tiresome political gamesmanship.

While America and her allies remain defenseless, the Soviet Union has not only long ago deployed ABM defenses but for years has been spending heavily and working diligently to improve and expand them into a capability to deploy a nationwide network. We are engaged in a race.

It is crucial that America win that race. It is not another arms race.

In American hands, the ABM defensive capability that SDI can give us will be a peace shield deterring a Soviet first strike.

But should the Soviets deploy ABM defenses while we remain defenseless, that monopoly ABM capability could become an instrument of nuclear extortion in the hands of a Kremlin that holds both the sword and the shield.

Finally, to those who do not find these facts threatening because they

perceive a new and different Soviet leader and Soviet Union, a thaw or even an end to the cold war, I must point out that history teaches very clearly that optimism is luxury affordable by the nation ready to defend itself but very costly and even fatal to the nation that remains undefended and vulnerable.

But even putting the best face upon superpower relationships, there remains hideously plausible and even probable the scenario of Israel, defenseless against ballistic missile attack, suffering a second and final holocaust as nuclear or chemical warheads rain down upon her. Israel is surrounded by hostile neighbors who either have or are hell bent upon obtaining the kind of missile capability that could deal such a death blow.

It is patently urgent that Israel not suffer the delay or termination of the arrow program on which her life may well depend—which is threatened if not assured by a House vote to cut SDI funding to \$2.8 billion, or 60 percent of the President's request.

The President is not only fully justified but obligated to veto the defense authorization bill if the House persists in voting so dangerously inadequate a sum for SDI, in apparent contempt or indifference for the President's request and for the safety of Israel. The President should clearly inform the House that he will veto the bill if the House adopts a figure so low as to virtually assure that a conference cannot adequately fund SDI. He should do so before the House vote. Then if the House persists after warning, he must of course veto the bill.

The President is obliged to take this course not only to safeguard the people of America's strategic ally, Israel, but to safeguard the American people as well. The kind of conflagration that would be ignited by a missile attack upon Israel might very well and very quickly spread to engulf others.

Mr. President, let all who care about the safety of Israel and of the American people make clear to their Member of Congress that we cannot accept the House-proposed cut in SDI funding.

EXHIBIT 1

DEPARTMENT OF DEFENSE, STRATEGIC DEFENSE INITIATIVE ORGANIZATION,

Washington, DC, July 7, 1989.

HON. PETE WILSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR WILSON: During my testimony before the Subcommittee on Strategic Forces and Nuclear Deterrence, Committee on Armed Services, you asked that I prepare an impact paper on the effects to the Strategic Defense Initiative [SDI] program of receiving a 10 percent, 20 percent, or 30 percent reduction off the requested level for fiscal year 1990. I have completed the assessment and forward the information herewith.

You will note that each incremental funding reduction from the current budget would have increasingly serious consequences for the SDI program. Specifically, options for deployment decisions, demonstration and validation of follow-on technologies, allied support, and arms control leverage would all be affected by budget reductions. The President's fiscal year 1990 requested level for the SDI program must be upheld.

I appreciate your interest in this very important issue. Please do not hesitate to contact me if I can be of additional assistance.

Sincerely,

GEORGE L. MONAHAN, JR.,

Lieutenant General, USAF, Director.

Enclosure as stated.

This paper responds to a request from Senator Pete Wilson to Lieutenant General Monahan during the General's testimony to the Senate Armed Services Committee on 15 June 1989. The Senator requested an analysis of the impact of a 10 percent, 20 percent and 30 percent reduction to the current (\$4.6B) FY 1990 budget request.

INTRODUCTION

The current program is structured to permit a deployment decision by the President within the next four years. It anticipates total funding of \$4.6 billion in FY 1990 and \$33 billion across the Five Year Defense Program (FYDP). The program goals remain the same as those formulated under the prior Administration's budget and, therefore, the general framework of the program is unchanged:

Pursuit of both space- and ground-based defenses;

Continuation on the path to deployment of a system that meets JCS requirements for a Phase I Strategic Defense System;

Close adherence with the deployment schedule presented to the Congress with the January 1989 FYDP; with

Flexibility to adjust the program as technology is tested and proven.

Near term efforts focus on evaluating the potential of the most rapidly advancing technologies. In particular, evaluation of the Brilliant Pebbles concept is emphasized.

The current budget is substantially less than the January 1989 FY 1990/1991 (Reagan) request which was based on funding of \$5.6 billion in FY 1990 and \$40.6 billion across the FYDP. Funds now requested are the minimum needed to meet the goals established for the SDI by the President.

As outlined on the following pages, each incremental funding reduction from the current budget would have increasingly serious consequences. The items most affected would be:

The timeliness and choice of options for a deployment decision;

The development and validation of advanced concepts for follow-on Phases;

Allied support; and
Leverage the SDI program provides in arms control negotiations.

Since follow-on systems will have to be deployed in a timely fashion to offset possible Soviet countermeasures to initial defenses, it is important that initial and follow-on phase efforts remain appropriately balanced. Budget reductions from current levels may force both a delay in projects supporting an initial phase of a future Strategic Defense System, but an even longer delay in projects which support follow-on systems. This outcome could force a major redirection of the program.

The impact of successive budget reductions would also produce increasingly serious damage to the SDI program infrastructure. Efforts of past years have coalesced technology into identifiable initial strategic defense system elements and architecture (i.e. a Dem/Val program), and several ground-based and space-based follow-on element concepts. To capitalize on this progress we have awarded many multi-million dollar, long term contracts, and established appropriate program offices. Even at the 90 percent level we will have to begin dismantling this infrastructure, incur additional costs due to program stretch-out and contract renegotiation/termination, force layoffs, and suffer losses of skilled scientists and engineers.

Although decisions on specific program cancellations/slowdowns and contract terminations/renegotiations will require additional study, the table at the end of this report lists most major SDI programs and primary contractors, and identifies the possible outcomes at each funding level.

Regardless of the SDI budget level approved, it is crucial that SDIO have the flexibility to adjust funding among the various programs and not be constrained by "fences" imposed by the Congress. SDI is still evolving, many technologies are developing rapidly, and international conditions cannot be confidently predicted. Changes may require the reordering of SDI program priorities and reallocation of available funds in order to attain program objectives and maximize the contribution of the SDI to National Defense.

The following impact assessments assume that the 10, 20 and 30 percent reductions are applied to each year of the FYDP.

IMPACT TO PROGRAM IF FUNDED AT 70 PERCENT OF CURRENT REQUEST

This funding level could not support the research and testing needed to make an in-

formed deployment decision within four years.

U.S. funding for most Allied cooperative programs would be terminated.

If we are to continue development of layered defenses that meet JCS requirements, Directed Energy and Advanced Technology programs for follow-on systems would have to be canceled and/or minimally funded.

All aspects of the program would be fund-limited, rather than free to advance at the pace technology is developed.

An initial deployment would be delayed until well after the year 2000, with no provision for follow-on systems to offset Soviet countermeasures to the initially deployed system.

The national workforce currently planned for FY 1990 SDI research would be reduced by more than 8000 personnel.

IMPACT TO PROGRAM IF FUNDED AT 80 PERCENT OF CURRENT REQUEST

The likelihood of making a deployment decision within four years would be further reduced due to an even lower level of research in technical risk, cost reduction, and key technology areas. For example:

Fewer flight tests of interceptors and sensors and ground simulators.

Cancellation, or up to three year delay of vital survivability and hardening measures.

Slowing of advanced materials program. This will affect the quality of estimates on producibility, manufacturing costs, life cycle costs, and life duration.

Emerging concepts, especially Brilliant Pebbles, would not be fully explored. The space architecture could, therefore, not be completely defined.

Additional U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be further limited.

Directed Energy and Advanced Technology programs would remain in the laboratory as the more expensive technology integration experiments would be unaffordable.

Follow-on systems would not be available in time to offset Soviet countermeasures to an initial U.S. strategic defense system.

Initial system development/deployment schedules would be delayed at least two years.

The national workforce currently planned for FY 1990 SDI research may be reduced by more than 6000 personnel.

IMPACT TO PROGRAM IF FUNDED AT 90 PERCENT OF CURRENT REQUEST

An informed decision on deployment may not be possible within four years. Reduced funding would bring about a lower level of research in technical risk, cost reduction, and key technology areas. Planned research in these areas is critical for a confident decision.

A delay of up to one year for the deployment decision can be expected, with corresponding delays for development and deployment schedules.

Some U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be limited.

A number of experiments critical to proving important technologies would be delayed or canceled.

Directed Energy and Advanced Technology programs would be slowed to the point where follow-on systems may not be available in time to offset possible Soviet countermeasures to an initial U.S. strategic defense system.

The national workforce currently planned for FY 1990 SDI research may be reduced by more than 3500 personnel.

| Program | Contractor | 90 percent | | | 80 percent | | | 70 percent | | |
|-------------------------------------|-------------------------------------------------------------------------|------------|------|--------|------------|------|--------|------------|------|--------|
| | | or | | | or | | | or | | |
| | | None | Slow | Cancel | None | Slow | Cancel | None | Slow | Cancel |
| Ground-based interceptor | (Not determined) | X | X | | X | | | X | | |
| Endoatmospheric interceptor (HEDI) | McDonnell Douglas | X | X | | X | X | | X | X | |
| Airborne optical adjunct | Boeing | X | X | | X | | | X | X | |
| National test bed | Martin Marietta | X | X | | X | | | X | | |
| Extended range interceptor | LTV | | X | X | | X | | X | X | |
| ARROW missile | Israel | X | X | | X | | | X | X | |
| Tactical high altitude area defense | (Not determined) | X | X | | X | | | X | X | |
| Chemical laser | Martin Marietta, TRW | | X | | X | | | X | X | |
| Free electron laser | Lockheed, TRW, Boeing | | X | | X | | | X | X | |
| Neutral particle beam | Grumman, Boeing, Westinghouse, SAI, McDonnell Douglas, approx 15 others | | X | | X | | | X | X | |

Although decisions on specific program cancellation/slowdowns and contract terminations/renegotiations will require additional study, this table lists most major SDI programs and primary contractors, and identifies the possible outcomes at each funding level.

MEDICAL CARE IN RURAL AMERICA

Mr. BENTSEN. Mr. President, 2 years ago, Brad Bell was driving across west Texas in his pickup truck. All of a sudden a duster plane hit his truck, smashed in the window, tore up the door and flipped his truck over. Someone saw him, came rushing up, sure that he was dead, but fortunately he was not. One of the fortunate things was that they were able to contact a helicopter service that rushed him to a hospital. They went to that remote area to bring skilled medical care.

They were on their way to Seminole when they realized he needed that special care. The helicopter was available and he is alive today.

But historically, and it is part of an excellent series in the Lubbock Avalanche-Journal on health care in rural areas. It should remind us that rural areas are risky; farming's 52 percent on-the-job death rate is the highest of any job category in America. That is for farmers and that is for people working on the farm. There are other jobs in rural America that are dangerous, too, when you have a roughneck bringing in a well or a pilot dusting

crops or someone working in a quarry with a drill hammer. So these are some of the concerns that face us in rural America.

Not everyone in rural America is as lucky as Brad Bell, and increasingly for them health care is becoming more difficult to obtain. That is why it is with great pleasure that I am a co-sponsor of Senate bill 1036, a bill that, thanks to the work of Senator LEAHY and others, can improve the access of medical care to rural America. They certainly do not have it now.

Between 1984 and 1988, 160 rural hospitals have closed in the United States. There were 44 last year alone. Nineteen of those were in Texas. Of course, that gives me a particular area for concern, but it goes far beyond the borders of Texas.

The chairman of the Appropriations Committee, the Senator from West Virginia, understands that well. A friend of mine last week told me about his son being out in a ski area of West Virginia last year, and some of the kids were horsing around that night in the lodge. One of them jumped across the bed, fell on the bed with his boots, hit on his son who was under the blankets—the kid did not know he was there—ruptured his spleen; ruptured his liver, tore him up internally. After a while the pain began to subside after he had taken some aspirin. He thought he was all right and went to sleep. Next morning he awakened in a pool of blood. They found he had lost most of the blood in his body. And then what to do about it? The father was called and told of the accident. He gave permission to the doctor to operate. The doctor said, "I'm not a surgeon. I am the only doctor in this small community." He said, "I cannot take care of the problem, and your son will be dead in a couple of hours." They were able to get a helicopter in there and take him out and get him to appropriate medical care.

One of the things we are saying is that one survey suggesting that as many as 600 rural hospitals—600—could close by the year 1993. Sixty percent of the administrators of these rural hospitals think that their particular institution is vulnerable to failure. I know there are those who make economic reasons for keeping rural hospitals open. Sure, on a lot of occasions the hospital has more jobs than other businesses in the town. In other words, if you try to get businesses to come into town and tell them you have no hospital facilities available, it offends turns them off.

But the most important reasons for addressing the problem is the most obvious and that is its effect on peoples' health. After all, how would we feel if we had a heart attack or a stroke here in Washington and the nearest ambulance was in Baltimore? That is what thousands of Texans face. And people in other rural parts of other States as seeing hospitals close time after time, 18 of them in different areas of Texas. It is a race over county roads to the nearest hospital.

What kinds of things can bring about that kind of desperation on the part of rural Americans? All kinds of things can happen. They can have a shotgun blast; a gun that goes off accidentally or shooting at a pheasant and happens to shoot a friend who is with him; electrical shocks; they can be caught in a flash flood; a kid who

cannot swim falls into a pond; kicked by a horse; run over by a tractor. I have seen those happen. Each year in Texas alone there are about 90 farm-related deaths, many of them that the doctors tell us are tractor related. I can recall driving a tractor on a hillside and having my youngest son near me and having it strike a rock and roll on me and throw my youngest son off the top side to keep from hitting him. I remember the burns I suffered as the exhaust pipe burned me as I was lying there on my side.

There are an estimated 100 disabling injuries, 1,200 serious injuries, 36 minor injuries. I am not just worried about the emergency care for farmers. What about the elderly, 12 percent of the Nation but 25 percent of rural America? The kind of people I admire, people like Elsie Popjoy from Sundown, TX. She says, "I'm old, but I'm awfully tough," she said last year. She was 90 then. She had cancer, but she still worked around the House. Every morning she took a walk. Whenever she had to see a doctor, her son had to take time off from work and drive an hour to the hospital. He had to do that until her death.

What can we do to provide better health care to those people in rural America? One of the reasons is the Medicare prospective payments system is just not fair to rural hospitals. You take the same operation, the same procedure and they are being paid from 10 to 12 percent below what the urban hospital is paid.

I am not trying to say to you that all rural hospitals should stay open. I know some of them are just not economically viable. But I think the vast majority of them should, and that is why I have joined with others to bring about legislation that would equate those payments between the urban and the rural areas to try to keep some of them open. That is legislation that I have introduced and it is going to be working to bring that about. I ask the support and the help of the Members of the Senate in bringing that about.

How could anyone doubt the effectiveness of this idea? How could anyone, in an age when the events in Beijing are seen instantly by people sitting in their offices in Washington, doubt that doctors in a farm town can be hooked up to colleagues and equipment say 100 miles away?

I know we can do that. Because we're doing it in Texas—in a demonstration project I am pleased to say was authorized by a provision I wrote into the 1987 reconciliation bill.

Let's say a patient comes in to one of the two doctors in Cochran County, TX, with a broken arm. These days, thanks to a new program, his doctor is linked by a computer to doctors at Texas Tech. By pushing a button he can exchange information with an or-

thopedist. Pretty soon they will be able to transmit x rays. According to the Cochran County doctors it is like having a number of consultants just down the hall.

Mr. President, in some ways rural Americans are cut off from their fellow citizens. But the jobs they do are vital for the rest of us. When somebody in Washington gets in their car and drives to Safeway to buy food for a Sunday barbecue, they should remember that. That should remember that the gasoline in their tank, the sirloins in the meat locker, the corn in the freezer all came from people farming or ranching or drilling in rural America.

They help us. But when it comes to health care, they need help from us. And they're not getting it.

That is what Senator LEAHY's bill aims to do. That is why I am for it.

Brad Bell does not remember the accident that changed his life 2 years ago. He slammed his head too hard. He is back at work, though, tending to his cotton crop. But there is a lesson in that accident—and its happy outcome—that the rest of us should never forget. It is this: Measures like this one small part of Senator LEAHY's bill save lives.

They are not the lives of famous people. They are not the lives of powerful people. They are simply the lives of average citizens in every State in America.

That makes this bill incalculably important to them. And should make it just as important to us.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

THE NEED TO CURB THE FLAGRANT ABUSE OF BROKERED DEPOSITS

Mr. MURKOWSKI. Mr. President, when this body considered the savings and loan bailout legislation, I offered an amendment to limit the use of brokered deposits by financially troubled institutions. After discussing the merits of this amendment at length with the distinguished chairman and ranking member of the Banking Committee, this body unanimously agreed to my amendment.

WHAT AMENDMENT DOES

Mr. President, my amendment prohibits banks and thrifts that do not meet minimum capital requirements from using federally insured brokered deposits. These institutions would have an option, however, of making an application to the FDIC to waive this prohibition. A waiver would be available if the FDIC makes a determination, in advance, that the use of bro-

kered deposits by that particular institution does not constitute an unsound banking practice.

WAIVER GIVE FDIC DISCRETION AND CREATES ACCOUNTABILITY

The purpose of the waiver clause is to give FDIC the discretion to permit the use of brokered deposits when it deems it appropriate based on the specific facts of a specific case. When used by sound institutions in a commercially reasonable manner, brokered deposits can be beneficial. The goal of my amendment is to prevent the flagrant abuse of the deposit insurance system by troubled institutions that take excessive risks and leave the taxpayers to suffer the consequences. By preventing troubled institutions from using brokered deposits unless permitted to do so by the FDIC, we accomplish this goal and create accountability on the part of the FDIC.

HOUSE PASSAGE OF SIMILAR AMENDMENT

Mr. President, the House has also recognized the need to limit the abuses associated with brokered deposits. The House included in their version of this legislation a provision sponsored by Congressman STEPHEN NEAL of North Carolina which is very similar to the amendment which I offered.

CONFERENCE COMMITTEE—DO NOT WEAKEN LANGUAGE

Mr. President, it is my understanding that the conference committee will be taking up the issue of brokered deposits some time next week. I would like to reemphasize to my colleagues on the committee that it is imperative that Congress curtail the abuses that contributed to the current banking crisis. We are asking taxpayers to spend \$157 billion to clean up an industry that has all too often become infected by fraud and abuse. Without meaningful restrictions on brokered deposits, and some of the other games that the industry has played, we will be going back to the American taxpayers again in a few years to clean up this industry again.

CONSTITUENT LETTER—EXAMPLE OF ABUSE

Mr. President, I would like to take a moment to share with my colleagues portions of a letter that I recently received from a constituent, and friend, who is a prominent banker in my State. The letter states:

The regulators now state that they will be able to "control" the use of brokered CDs. Their record certainly shows no such ability! Ask the FHLBB to describe Sunbelt Savings and Loan to you. Ask how that monstrosity funded itself? And ask them about Alliance Bank in Alaska?

Senator Murkowski, as you know, our bank acquired the deposits on a "clean bank" basis of three banks in the last two years. Each one used brokered CDs. By using them, these banks were continued in existence long after they should have failed * * * thereby increasing the losses to the FDIC. Alliance Bank was by far the worst.

As you know, Alliance was formed with substantial FDIC assistance from the insolvent Alaska Mutual Bank, United Bank of Alaska and United Bank Southeast. The regulators allowed the new Alliance Bank to be formed relying on brokered CDs. When Alliance failed in April, it had \$725,000,000 in deposits, of which \$514,000,000 were brokered deposits. The bank was in such poor condition that we won on a "clean bank" basis with a \$8,000,000 negative premium bid. FDIC will have lost in my opinion around \$700,000,000 on Alliance, Alaska Mutual and United Bank of Alaska. That's more than \$1000 for every man, woman and child in Alaska. This could not have been accomplished without brokered CDs.

Your proposal, as we understand it, is to have FDIC certify for each capital-impaired bank, that the use of brokered CDs is a safe and sound banking practice. What is so terrible about that? Does the FDIC want financial institutions engaging in unsafe and unsound banking practices?

Mr. President, unfortunately the abuses described in this letter are not unusual to Alaska, Texas, California, or any other State. These abuses have taken place all over the country, and will continue take place unless we act now.

CONCLUSION

Finally, Mr. President, I would like to reiterate to my colleagues on the conference committee that my amendment is designed to reign in the abuses of brokered deposits by troubled institutions and to create accountability on the part of the Federal regulators. This is not a blanket prohibition on the use of brokered deposits, but a narrowly drawn provision that specifically targets the most flagrant abusers. A provision intended to protect the taxpayers of this country.

DEATH OF HARVEY MALLOVE, NEW LONDON, CT

Mr. DODD. Mr. President, I would like to spend a few minutes today talking about a close friend of mine who passed away recently. Harvey Mallove was one of the best-known, and certainly one of the best-loved, individuals in the city of New London, CT.

Harvey's position in the community was a notable one. He was perhaps the most influential figure in city politics, holding a variety of elected posts and working behind the scenes. Harvey served two terms as mayor of New London, and many years on the city council. He chaired the city's redevelopment agency, guiding the way for construction projects which revitalized the New London's core. His jewelry store remained downtown after many neighboring businesses left for the suburbs.

Harvey's importance in New London assured that he would be well-known, but it was his tremendous caring for others that caused him to be so widely loved. He was on a first-name basis with, it seemed, the entire State. He would chat with everyone who came to

his store, asking about family and friends, passing on news about mutual acquaintances. But Harvey did not make mere facile friendships; rather he had deep concern for the many people he knew.

Rarely has there been a man more generously than Harvey Mallove. He was always willing to help people facing crises, whether they be personal, financial or emotional. He created a scholarship to help area students attend college. He contributed to a vast array of charities; his business helped out many others.

I mourn the loss of such a fine man and dear friend as Harvey Mallove. The director of my Connecticut office, Stanley Israelite, who knew Harvey better than almost anyone else, delivered the eulogy at the funeral. I ask permission to insert that eulogy in the RECORD.

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

**EULOGY FOR JAY BY STANLEY ISRAELITE
HARVEY MALLOVE'S SERVICE, CONGREGATION
BETH EL, NEW LONDON, JULY 2, 1989**

This is a very tough job for me, saying good bye to your best friend, being involved and caring so much for this wonderful loving family. Feeling their pain. How hard this support team worked, but it was all beyond our control.

I shall try not to cry—and to share with you my feelings, which I am sure in one way or another are manifested with all of you here today.

If I use the name Jay, you will understand I'm speaking about Harvey. For that was the name we had for each other. It was an inside joke, but a symbol of our affection for each other.

In a book of meditations that I have, I found something that I believe was Jay's creed:

"Friendship is like the air we breathe. We cannot live without it. We are not designed for loneliness. We thrive on the opportunity of human response. If we need to receive the love of others, we also need to give love. If we need to feel the concern of others, we also need to give our care. To cry alone, to laugh alone, to think without the challenge of other minds and other voices is to cease to be human. In a world without familiar people, no man can become a person."

No man is an island
No man stands alone
Each man's joy is joy to me
Each man's grief is my own.
We need one another
So will I defend
Each man as my brother
Each man as my friend.

Harvey was my beloved cousin and friend. We were always on the same wavelength. We were able to communicate even just by glances. We were able to share family stories of when we were kids. When I was in need he stretched out his hand. When I mourned, he mourned. He shared in my successes and joy with the pride of a brother.

I never ceased being amazed by his friendships. Whenever we would be together, people by the droves would come over from all walks of life. There was always that big hug and kiss or hearty handshake.

As a people person, he was a superstar. A man with friendships like no other I have ever met or probably will meet again. I liken him to a great artist. He was able to take the threads of friendship and weave them into beautiful tapestries. All one needs to do is look around here today. We're here today because this family, my Jay, touched your life in some way. Even the weddings he performed. As a justice of the peace, all you need do is read the written text as provided by the State. But he wrote his own service to try and give an added meaning, to send a message of love and caring.

Angle: What you shared almost every night in those late night phone calls and in your walks—there will be no more.

Sully, Frank, Tucker, Harry, Dave: New London will go on, but what a spirited worker you had in him. When he would talk to me about his New London, his face would light up. He suffered the thousand frustrations of public service but still kept pushing on. He was on the front line, and when you're there you make the tough decisions. There's always someone trying to blow you out of the water. His dreams for his New London were endless. They can be seen today. But we will go on.

Alvin, Ronnie: Your other manager of the Groton Motor Inn has left you. We will go on.

Bake, Ted, Marty, Barbara, Alatherius, Esposia: Your beautiful island, his island will never be the same. The wonderful memories will last. Even in St. Mararten, the friendships of this tapestry grew.

His home was truly his castle and Roz his queen. The door was always open to all. A home where there was love and affection. A home where programs were started, fundraisers, people programs, ideas were hatched. But above all, what always stood out in my mind: That all the kids knew it was an open door. All of the children's friends were there all the time and in the middle was my friend, Jay, being one of them. Young and old alike weaving this beautiful fine tapestry of friends with Jay in the middle: All of you will always remember. And we will go on.

Over these past several weeks, I had the opportunity to spend some private time with my friend. One day as we rode around New London with just chatter about this and that. We finally talked about his illness and what was ahead. He said to me, "You know, Jay, I'm not scared of dying. I don't want to, but let's face it, I've had a pretty good whack at it. What does bother me is thinking about Roz, the kids and my mother, hoping that they will be OK." All that I could do was tell him he had a tough fight on his hands and we would all be there for support. Then we talked of how blessed he was with his support team, a courageous wife and fine family and if he were to die he created one helluva team. We both cried a bit, looked at each other. The rest was a lot of understanding.

Roz, Danny and Althena, Lisie and Jim, Kathy and Martin, Ritchie and Jimmy: I haven't said anything you didn't already know. Look about you. Find comfort in what we all here share with you today.

He was a precious jewel, a perfect diamond whose facets are reflected in all of you. Diamonds are forever and my Jay is forever. He is gone and we will miss him, but his reflections will be forever.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today is the 1,585th day that Terry Anderson has been held in captivity in Beirut.

On March 16, 1988, a date which then marked the third year that Terry Anderson had been held captive, an editorial by one of Terry Anderson's colleagues appeared in the New York Times.

I ask unanimous consent that this editorial be inserted in the RECORD.

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

[From the New York Times, Mar. 16, 1988]

TERRY ANDERSON, DEVALUED

(By Larry Pintak)

SARASOTA, FL.—Since the morning of March 16, 1985, when Terry Anderson, an Associated Press correspondent, was dragged from a car in West Beirut, his whole world has been a series of damp basements and cramped rooms. His companions have been a blindfold and a chain. Fear, loneliness and doubt have kept vigil with him through the long nights.

Terry's daughter will soon be 3 years old. But Terry has never touched her face, never held her in his arms. He has seen her only as a fleeting image on a videotape his captors allowed him to watch. Terry does not know that his father and brother are both dead; he does not know that they died praying to see him one last time.

Yet there are many things Terry does know. From the letters and occasional newspapers that have reached him, he knows that the Reagan Administration negotiated to win freedom for hostages on a TWA jetliner. He knows the Administration swapped a Soviet spy for an American newsman, Nicholas Daniloff. He knows that it traded arms for some of the other hostages in Lebanon; he watched three of them walk from his cell to freedom. Now, he knows, the deal has collapsed and he's been left behind.

Terry is not alone in his suffering. Eight more Americans and at least a dozen other Westerners share his ordeal. After Terry, Thomas Sutherland, dean of agriculture at the American University of Beirut, is the longest serving hostage. He recently marked his 1,000th day in captivity. Lieut. Col. William R. Higgins is the latest arrival, living testimony to the fact that, even after a parade of disasters, the Administration still does not understand the nature of Lebanon.

When the President, at a news conference on Feb. 24, virtually dared the faceless men in Beirut to try to torture information out of Colonel Higgins, the comment could not be clarified away by the White House media managers. The captors closely monitor Administration remarks.

The kidnapers have specific demands. They want 17 terrorists held in Kuwaiti jails to be freed. Although Algeria offered to act as an intermediary in negotiations, the White House instead sent a group of amateur spies and adventurers to deal with Iran. The result: More hostages were taken.

In Washington, the people who helped put those Americans in chains are running for cover. The hostages have become a hot political issue, one that is being filed away for the next Administration. As one bureaucrat told Terry's sister, "The hostages have been devalued." A grim thought on a grim anniversary.

ADMINISTRATION DENIAL OF EXPORT LICENSE TO INDIA FOR BALLISTIC MISSILE TEST DEVICE

Mr. BINGAMAN. Mr. President, earlier this year I learned that the Department of Commerce had received applications from two United States firms for a license to export a Combined Acceleration Vibration Climatic Test System [CAVCTS] to India. Over the past several years, I have become increasingly concerned about the proliferation to developing countries of ballistic and cruise missiles capable of carrying nuclear and chemical warheads. This has occurred despite the fact that in 1987 the United States, Canada, France, Japan, West Germany, Italy, and the United Kingdom adopted the Missile Technology Control Regime [MTCR] to limit the proliferation of missiles and missile technology. I believe that we and our partners in the MTCR have not adequately addressed the implementation and strengthening of the MTCR.

In response to the information I received about the export application for the CAVCTS, otherwise known as the shake and bake device because it simulates the heat and vibration encountered by a reentry vehicle as it returns to the atmosphere, I wrote Secretary Mosbacher and urged him to deny the license. Following my intervention, a determination was made that the CAVCTS belongs on the munitions control list and is subject to the MTCR, annex I. The case was transferred from the Commerce Department to the Office of Munitions Control of the Department of State, where an interagency team reviewed the application. Pursuant to that review, the State Department announced on July 14 that the license was denied.

I applaud this decision as a reaffirmation of our commitment to fulfill our obligations under the MTCR in a restrictive manner. We should not be looking for loopholes in the agreement, nor should our allies. And I congratulate Secretary of State Baker, Secretary of Defense Cheney and Secretary of Commerce Mosbacher for their work in this instance in preventing the spread of ballistic missile technology.

Mr. President, despite concerns expressed by Congress and the administration about India's Agni missile program, India recently successfully tested the missile. Moreover, on July 6, the Wall Street Journal reported that the Agni may not, as India claims, be entirely indigenously produced. There are indications that DLR, a West German firm, is involved in both the Indian missile program and the United States space program, raising the ominous prospect that our technology is indirectly helping the

Indian Government extend the range of the Agni ballistic missile.

I am concerned about these reports. I am concerned that we ourselves may not be doing enough to enforce the MTCR, and I am concerned that our allies may be transferring missile technology without regard for the MTCR.

I believe that the administration decision to deny an export license for the CAVCTS is the first in a series of steps that need to be taken, not just in regard to India's program, but in regard to the worldwide proliferation of ballistic and cruise missiles and missile technology. There are other applications for the export of missile technology that are now pending. These cases should receive the attention of senior officials in the administration, with a presumption that export licenses will be denied where the possibility exists that the technology in question will contribute to the proliferation of missile systems, consistent with the broadest reading of our obligations under the Missile Technology Control Regime. We must set an example for all MTCR adherents to follow.

In particular, I urge the administration to press the French Government to reaffirm its commitment to the MTCR, as we have pressed other signatories to the MTCR to fulfill their obligations. The French-led European consortium Arianespace has reportedly offered Viking liquid rocket engine technology to Brazil, as part of a broader agreement to win satellite launch contracts. Transfer of this technology would appear to be in violation of the MTCR.

A report in today's Washington Times indicates that the French Embassy in Brasilia has notified the United States Embassy there that France has granted preliminary approval for the transfer. This will only fuel a regional race between Brazil and Argentina to develop ballistic missiles, and undo some successes we have had in slowing the Argentinian effort. It is of even greater concern because of reported Libyan entreaties to Brazil for help in developing its own ballistic missile development capability and reported Libyan offers to cofinance or purchase outright a Brazilian or Chinese ballistic missile.

This deal may add export sales to Arianespace, but it is not worth changing the military equation in the Middle East, Africa, and beyond. The Libyans have already demonstrated their willingness to fire missiles at the United States and our allies when they fired at least two Soviet-built Scud B missiles at United States installations on the Italian island of Lampedusa in 1986, and there is little prospect that responsibility will reign in Libya with the acquisition of ballistic missiles. Therefore, Mr. President, this deal must be stopped.

I intend to pursue these and other cases further. I ask my colleagues to take a moment as well to consider the dangers that the spread of ballistic and cruise missiles present and the actions that we can take here in the Senate to further close the door on missile proliferation. I urge those of my colleagues who have not yet done so to take a look at the Missile Control Act, S. 1227, which I introduced June 22 and which currently has 15 cosponsors.

I ask that the July 6, 1989, Wall Street Journal article entitled "Space Research Fuels Arms Proliferation," the July 17, 1989, Washington Post article "U.S. to Bar India's Buying Missile Device," and the July 18, 1989, Washington Times article "France To Put Missile Secrets in Reach of Libya" be included in the RECORD at the end of my remarks.

The material follows:

[From the Wall Street Journal, July 6, 1989]

SPACE RESEARCH FUELS ARMS PROLIFERATION
(By John J. Fialka)

WASHINGTON.—After India launched its first intermediate-range ballistic missile in May, Prime Minister Rajiv Gandhi hailed it as an "indigenous development," the product of 15 Indian military research laboratories.

But the real parenthood of this missile, called the Agni, is being questioned. Central Intelligence Agency analysts see a remarkable resemblance to the design of rockets developed by the U.S. in the 1960s. And a private weapons-system expert says the Agni's brain, nose cone and main engine look distinctly West German.

The spillover of technology from "peaceful" space research to ballistic-weapons programs present a growing and embarrassing problem to major powers such as the U.S. and West Germany, two of seven industrial nations that signed an agreement two years ago to limit the proliferation of missile-related technology.

Last week, Prime Minister Gandhi was quoted as saying that "ambassadors of certain foreign powers" had threatened to take action against India if it test-fired the Agni. He didn't identify the embassies. "I told them clearly that India would carry out the launching and we would not change our decision under pressure," Indian news agencies quoted Mr. Gandhi as telling a public meeting in central India. At the time of the Agni launch, the U.S. condemned it as a dangerous extension of the arms race.

A spokesman for the Indian Embassy in Washington denied the Agni was designed with U.S. or German help. The main components of the Agni are "not based on any imported technology," he said.

But Gary Milhollin, an engineer who studies the spread of nuclear warheads and the missiles that carry them, says the 1,550-mile-range Agni uses a guidance system, a first-stage rocket and a composite nose cone that were developed for India by the German Aerospace Research Establishment, a government agency.

Dietmar Wurzel, head of the German agency's Washington office, said his agency won't comment on Mr. Milhollin's charges, calling them unproved "suppositions" that joint German-Indian work on India's space

program was exploited by India's missile program. In a statement, Mr. Wurzel said the U.S. may have had more direct involvement in the Agni than Germany did, because the National Aeronautics and Space Administration trained the engineer who heads the missile's design team, A.P.J. Abdul Kalam.

With the Agni's launch on May 20, India became the first Third World nation to admit developing an intermediate-range ballistic missile. But others, including Argentina and Brazil, are considered close behind, China, an ally of India's longtime enemy, Pakistan, has had intercontinental missiles for years. And NBC news reported last week that Iraq is using U.S. technology, purchased for it by Austrian and West German companies, to develop a medium-range missile that could carry chemical, conventional and nuclear warheads.

PROLIFERATION WORSENING

CIA chief William Webster is among Bush administration officials who worry that space research is being used "as a conduit" for missile development. He told a Senate committee in May that "the missile proliferation problem will affect every region of the world. It will become worse—and may never become better."

Mr. Milhollin says documents issued by the Indian and German space agencies show that Indian scientists were given on-the-job training by the German agency in manufacturing carbon fiber composites and reinforced plastics used in nose cones and rocket engine nozzles.

In addition, he says, German microprocessors and software, developed jointly with India for a 1982 space experiment, became the guidance system for the Agni. Guidance systems are crucial for ballistic missiles. They sense direction and speed to manage the accurate re-entry of warheads, which can carry nuclear or conventional explosives or poison chemicals.

The first stage of India's space-launch vehicle, Mr. Milhollin says, became the first stage of the Agni missile. The rocket was first tested in a West German wind tunnel in 1974, he says.

The U.S. contribution to the Indian missile began in the mid-1960's when Mr. Kalam and five other Indian scientists came to NASA's Wallops Island Rocketry Center in Virginia. "They had very little knowledge of rockets," says Robert Duffy, the center's deputy director of operations. He says the official reason for their visit was to conduct joint rocket experiments on the earth's magnetic field, "But they were interested in everything."

INTEREST IN SCOUT ROCKET

The Indian Embassy spokesman dismissed the suggestion that Mr. Kalam acquired vital training in the U.S. Mr. Kalam spent only four months studying rocket technology in the U.S., he said. It is "incorrect to say that he acquired his expertise in the United States."

One of India's interests during the visit to Wallops Island appeared to be the U.S. Scout rocket, derived in the 1950s from the Polaris submarine ballistic missile. The Scout was used in scientific experiments at the time at Wallops Island, and, CIA officials say, "closely resembles" drawings that have been released of Indian rockets.

Mr. Kalam, who designed India's first space-launch vehicles, since 1983 has headed the Defence Research & Development Laboratory, which put together the Agni. The missile's range gives India the power to hit

targets in China. It also presents a further menace to Pakistan, where Pakistani scientists who were also given their initial training at Wallops Island are believed to be working on their own "indigenous" missile program.

The extent of America's contribution to India's missile program is the subject of a battle still being waged within the Bush administration over a Commerce Department proposal to export a device rocket engineers call "shake and bake." It simulates the heat and shock of re-entry into earth's atmosphere for testing various materials and devices.

The Commerce Department argues that it approved India's proposal to buy the device before the U.S. tightened controls on space technology in 1987. The Defense Department, says one official, asserts that the only use of the device would be to test missile warheads.

Sen. Jeff Bingaman, a New Mexico Democrat who has closely followed the missile proliferation issue, says the State Department must reject the sale. "Selling a shake and bake to India after the Agni test would be a clear signal that we really aren't serious about missile control."

[From the Washington Post, July 17, 1989]

U.S. TO BAR INDIA'S BUYING MISSILE DEVICE
(By David B. Ottaway)

The Bush administration has decided to ban the sale to India of a sophisticated missile-testing device, and has expressed "concern" to France about reports of an offer to sell advanced rocket technology to Brazil, according to U.S. officials.

The two steps reflects a toughening U.S. stand on an increasingly complex problem: the sale of sophisticated Western technology and know-how to Third World nations seeking to develop their own ballistic missiles.

A license for the sale to India of a \$1.2 million Combined Acceleration Vibration Climatic Test System (CAVCTS), used to put reentry vehicles under simulated stress, has been under intense debate within the U.S. government for the past two years, becoming a policy battleground for the Defense, State and Commerce departments and the Central Intelligence Agency.

The CIA and Pentagon have argued that CAVCTS technology could further India's efforts to develop intermediate-range missiles capable of carrying nuclear warheads. But the Commerce Department, noting that a now-expired export license had originally been approved for its sale in 1985, supported the sale.

The State Department is divided over the issue.

India's defense minister, K.C. Pant, who visited here in late June, sought to persuade the Bush administration to reverse its tentative decision to reject the sale. But a State Department official said last week: "It's been disapproved. It's dead."

Another official, explaining the decision, said Friday the denial was based on the longstanding U.S. policy of restricting exports that could contribute to missile development. "Specifically, the U.S. government is taking a restrictive approach to exports that can contribute to the development of ballistic missiles," he said.

"The denial in this case is based on the potential uses the CAVCTS would have had at India's Defense Research and Development Laboratory," which had sought the missile-testing device, he added.

As of Friday, however, official notification of this decision had not been delivered to the two American firms that manufactured the device, MB Dynamics and Wyle Laboratories, according to their attorney, Joseph F. Dennin.

Meanwhile, the United States has expressed to France its "concern" about reports that the French-led European consortium Arianespace has offered to provide Brazil with Viking rocket engine technology and extensive training for Brazilian missile technicians by French firms, if Brazil agrees to use the Ariane rocket to loft two new communications satellites.

Rep. Dante B. Fascell (D-Fla.), chairman of the House Foreign Affairs Committee, said Thursday at a hearing that he understood the French had made the offer as "a sweetener" to win the contract away from "the American company." That company was later identified as General Dynamics.

Fascell said a Brazilian decision was imminent. Another source said the committee had information that Brazil intended to make a decision by mid-July.

The same source said the French offer included giving Brazil the Viking rocket engine, which has a thrust of 160,000 to 185,000 pounds and is the booster for the first stage of the Ariane rocket. "It involves giving Brazil the total Viking engine technology," the source said.

Fascell said the administration should tell the French government not to provide the Viking to Brazil because this would be a violation of the Missile Technology Control Regime, to which France agreed to adhere in April 1987 with the United States, Canada, Japan, Italy, West Germany and Britain.

Vincent DeCain, deputy assistant secretary of state for politico-military affairs, said the administration was "very much aware" of the pending transaction.

"We are as concerned as you are about its implications," he told Fascell. "We have begun to take actions which we think are appropriate under the circumstances," he added, refusing to elaborate further in open session.

"I'll assume appropriate action means you told the French government not to do that," replied Fascell.

DeCain did not reply. But State Department officials indicated they were asking the French for more information about the reported French willingness to provide the technology, and were making known U.S. opposition to such action.

[From the Washington Times, July 18, 1989]

FRANCE TO PUT MISSILE SECRETS IN REACH OF LIBYA

(By Clarence A. Robinson, Jr.)

Senior U.S. defense and arms control officials are worried that a French decision to transfer sensitive rocket technology to Brazil could result in intercontinental ballistic missile technology ending up in the hands of Libyan strongman Moammar Gadhafi.

According to the officials, the French Embassy in Brasilia has notified the U.S. Embassy there that France has granted preliminary approval for the transfer of technology relating to the Viking liquid rocket engine, used to propel the French Ariane space-launch vehicle.

A strong link exists between Brazil and Libya in developing and building ballistic missiles, said the officials, who asked not to be identified. Libya offered \$2 billion to buy

Brazil's latest theater ballistic missiles, according to a June 1988 report from then-Senate Armed Services Committee member Dan Quayle.

"To have France exporting technology to Brazil knowing of Libya's intense interest in acquiring long-range missiles is outrageous," one official said. "While the Europeans may wish to believe that the Soviet military threat is on the wane, threats from [a] Gadhafi armed with ICBMs would be a threat to all nations."

The technology transfer, the officials said, could be a serious violation of the Missile Technology Control Regime signed in 1987 by France, the United States, Canada, West Germany, Italy, Japan and the United Kingdom.

"Whether or not it becomes a violation will depend upon Brazil's use of the rocket engines," one official said. "Brazil's interest is strongest in fielding ballistic missiles, and that nation is considered a high-risk country in terms of missile proliferation."

One reason why the French company, Arianespace, is pressing a sale of the Viking rocket engine technology to Brazil is to win an estimated \$60 million contract to launch two Brazilian communications satellites on the Ariane space-launch vehicle.

The French company is in fierce competition with a U.S. space-launch company, McDonnell Douglas, which has proposed using the Delta 2 launch vehicle. McDonnell Douglas is not offering technology transfer to Brazil.

In a May 18 report to the Senate on nuclear and missile proliferation, Bush administration aides said Brazil and Argentina are countries to watch. Each has taken steps since 1980 to develop nuclear weapons or to acquire them.

Brazil's civilian government is against nuclear arms, but the military wants that option, according to the report. The necessary nuclear research and development facilities are being built and are not under international inspection. Brazil is not a party to the Nuclear Non-Proliferation Treaty.

Vice President Quayle's report last year stated that Libya, Iraq, Iran, India, Egypt, North Korea, Pakistan, and Saudi Arabia had joined the military ballistic missile club. Use of the Viking motor for ICBMs could greatly increase Libya's striking range.

"Clearly, these and other Third World ballistic missiles pose a threat to U.S. and allied peace-keeping efforts in the Persian Gulf, the Middle East and Far East," the report said.

Mr. Quayle's report said the Brazilian company Orbita Aerospace Systems has considered Libyan offers of financial assistance in developing a new family of ballistic missiles, known as MBEE.

The missile series will include boosters capable of delivering warheads of up to 1,980 pounds a distance of 620 miles. The deal, if concluded, may require manufacture of the missiles in Libya.

Brazil is moving toward placing its first satellite in orbit this year or early next year, and has made the military responsible for the management of missile development and nuclear research programs, the report said.

Libya's attempts to buy intermediate range ballistic missiles from Brazil and China prompted then-Defense Secretary Frank Carlucci to warn Congress last year about a potential Libyan nuclear threat to the United States.

"Libya has also been attempting to establish its own ballistic missile development capability, and has been receiving assistance from German-owned firms, including OTRAG, which has built missile facilities in Libya," the report said. "They have established a secret missile test range in the Libyan desert in Tauwliwa, where work has focused on development of a 500-kilometer-range ballistic missile."

A number of firms in Western Europe are known to supply technical assistance to Third World ballistic missile programs, CIA Director William Webster told Congress two months ago. "This aid has included transfer of critical missile components and the direct participation of European missile specialists in missile development programs," Mr. Webster said.

The Ariane Viking rocket engine technology transfer deal also includes training Brazilians in European factories and at launch facilities, according to arms control officials.

The Viking rocket design is similar to a U.S. launch vehicle propulsion system, the Titan, which was used until recently as an ICBM armed with a large nuclear warhead.

"The French rocket motor for the Ariane is not a direct U.S. technology transfer," a NASA official said. The motor uses nitrogen tetroxide and hydrazine propellant. He said, "that same combination is used on the Titan 4 engines to develop a thrust of 200,000 pounds. This compares to a 150,000-pound thrust for the Ariane. Both launch vehicles use gas generator cycle engines."

"Unfortunately, most technologies applicable to a space launch program can be used in ballistic missile development," Mr. Webster said in his report to Congress. "Several countries have space and missile programs which overlap."

By the end of this century, up to 20 countries may have missiles, and many could be armed with chemical biological or nuclear warheads, according to congressional testimony by State Department officials. Many of these nations are located in regions where political tensions are high and the potential for conflict is great, such as the Middle East.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ADAMS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., for the purpose of introducing legislation and constitutional amendments with regard to the desecration of the flag, with Senators permitted to speak therein for not to exceed 10 minutes. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

OUR GREATEST NATIONAL SYMBOL

Mr. BYRD. Mr. President, the Supreme Court ruling that the destruction of the American flag, as happened in a Texas case, can be an act protected under constitutional first amendment freedom of speech provisions shocked millions of Americans across this country. It shocked me.

Stemming from an incident that occurred outside the Republican National Convention in Dallas in 1984, this decision, in my opinion, irrationally stretches every concept of freedom of speech envisioned by the authors of the first amendment to the Constitution.

I cannot envision the Members of the House and Senate in the First Congress that met in 1789, the Members who wrote those amendments, 12 of them that were submitted to the States, 10 of which were ratified by the States, and I cannot envision the people of the country, who through their chosen representatives ratified that Bill of Rights, having in mind, even by the furthest stretch of the imagination, that the freedom of speech clause would ever be stretched to the extent that the Supreme Court has gone in this instance.

Over the years, many thoughtful writers and philosophers have sought to crystallize the meaning of the flag in American national life. That is a difficult task, because the American flag is tied to an intangible quality of faith and devotion uncommon in other nations around the world.

Perhaps the most perceptive symbolism is projected by those who hold that, as a national symbol, the American flag plays in our national life a role equivalent to the role played by the reigning monarch in British national life.

The American flag is a symbol of our nationhood, our aspirations as a people, our representative form of government, and of the Republic itself for which so many thousands of American men and women have died.

For these reasons and others, I am today offering an amendment to the Constitution to make illegal the defacing, defiling, desecration, or mutilation of the American flag, the living emblem of our nationhood and our way of life.

Like all of my colleagues and the vast majority of the American people, I, too, believe in freedom of speech, but I also believe that, at some point, any freedom can potentially cross the line into license, and the destruction of the American flag, as we have seen it, crosses that line reprehensibly. I hope that my amendment will make clear where that demarcation line rests.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD.

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

S.J. RES. 179

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States,

which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. The Congress of the United States and the several States have the power to prohibit and punish the desecrating, mutilating, defacing, defiling, or burning of any flag of the United States.

I ask for the appropriate referral of the amendment.

I yield the floor.

The PRESIDING OFFICER. The amendment proposal will be received and appropriately referred.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

FLAG DESECRATION

Mr. BIDEN. Mr. President, I rise this morning to speak about the flag as well. I think it is particularly appropriate because there are so many young people on the floor of the U.S. Senate this morning, the young pages, many of whom are here for the first time because of the change in the summer session.

I wonder sometimes as I look at them what they think about all that we are about. I welcome them, and I hope they find their stay these next several weeks a positive learning experience. They are fine young people. I will probably embarrass a new young fellow in the group from Delaware, Christopher Buccini, along with his friends who are probably going to wonder a little bit in the next few weeks as we come in trying to get out in time for the recess what this process is about. Hopefully, they will learn something about the process.

To that end, Mr. President, I, like many of my citizens, think there is more to be learned about what the Supreme Court did not do when it found the Texas statute, which was designed to prevent the burning of the flag to make it illegal, unconstitutional.

I was saddened 3 weeks ago by the Supreme Court's decision on the so-called flag-burning case.

Let me begin by suggesting that I take no back seat to any man or woman who has served in this body for at least the last 17 years that I have been here when it comes to being a defender of the Bill of Rights, and particularly the first amendment. As a matter of fact, on the first amendment I have been a minority of sometimes as few as four, many times as few as 10, in voting against what I believe to be infringements upon the first amendment, legislative infringements such as the Agents Identification Act. I opposed part of the Criminal Code, so-called S. 1 that would have criminalized the disclosure of some Government secrets. I pressed the FBI

to investigate CISPES. I opposed the school prayer amendment because of the way it was written, and other Bill of Rights issues. I fought to protect the fourth amendment with regard to the exclusionary rule, protected the fifth amendment rights of aliens with respect to extradition under the immigration reform, defended the sixth amendment right to speedy trial and preserve the presumption of innocence under the Bail Reform Act of 1984, all of which as the President will recall were very unpopular positions in this body, and I suspect unpopular positions with the body politic at large but I believed all of which would have infringed upon the most sacred of our writings, if you will, as a nation—the Bill of Rights, and particularly the first amendment.

But no amendment to the so-called Bill of Rights is absolute. There are exceptions to every single amendment.

Let me just focus on the first amendment which is of great concern to some of my, hopefully, all of my colleagues. There are exceptions that have been recognized in the law to the first amendment freedom of speech. It is not absolute. For example, you are not allowed to defame someone's character in the name of free speech. Obscenity is not permitted in the name of free speech. And if you infringe upon one's copyright or creative works, you cannot do so and say I was just exercising my right to freedom of speech under the first amendment. There are exceptions, and there are others which I will not take time to elaborate on now.

So I ask the question: Why should we not recognize an exception for national unity and pride? Let me make a point here so I am going to be a little bit legalistic in the short time that I have, but I will elaborate on this written testimony which I will ask to be submitted at the conclusion of my statement.

Let me read here. The thing that disturbed me most about the Supreme Court decision was not how they could arrive at the conclusion that it was unconstitutional based upon the way the Texas statute was drawn. Reasonable men could reach that conclusion. Obviously they split 5 to 4. So reasonable men and women were closely divided on that issue. I do not in any way question the patriotism of any one of the judges no matter how they voted.

But I was a little shocked when you read the majority decision, to read such language with regard to the flag as the Court saying that: "No separate judicial category exists for protecting the American flag alone." I was shocked to hear the Court say that it did not know "how to decide if—" if "—the flag was a symbol that was 'sufficiently special to warrant unique status in our country.'"

Regardless of how they came about the decision, regardless of whether it was 5-4, 9-0, or 5-4 the other way, I was dumbfounded to read in the majority opinion that they could not determine whether or not the flag was " * * * sufficiently special to warrant unique status in our country." It did not say " * * * in our Constitution."

The reason that is so important, I say to my good friend, Senator COHEN, who is the major cosponsor of the bill I am about to put in, and to the President who is presiding, the distinguished Senator from the State of Washington, is that in order to have a first amendment exception there has to be a compelling State or compelling governmental interest. And there is a compelling governmental interest if the court can find that the flag is "sufficiently special" and has a "unique status" to warrant protection.

Let me speak to two points in the short amount of time I have left. One, there is in fact a special requirement for unity and pride embodied in that flag in this country unlike other countries.

The reason I say that, and it is often pointed out to me by my colleagues and the press that France does not have a statute to protect its flag, the Union Jack in Great Britain does not have special status in terms of how it is protected, and I respond in the following way. You do not define a French person or an Englishman by what they believe, or what form of government they subscribe to. You define them based on their ethnicity. You can determine who is French, who is British, by their ethnicity. How do you define an American? Do you define Americans based on their color, on their religious beliefs, or on their parental and grandparental lineage? We are the most unique democracy in the history of mankind because we are the most heterogeneous nation in the history of mankind. And we have remained strong, vibrant, and vital in spite of that great diversity.

These young people are taught in school as we were that our strength flows from our diversity. That is true ultimately. But initially, our diversity pushes us apart. It does not bring us together. The fact that we are black and white does not generate confidence. It generates fear initially.

The fact that we are Christian and Jew does not send us running into one another's embrace to herald our differences. Mankind fears that which is different, and we are very different, except in one very important regard. That is that we are, as a Nation, more or less united on the means by which we can realize our dreams and the rules and regulations which will guide us in our attempt to fulfill our dreams—the Constitution—a covenant, if you will, embodied in that flag, to the President's right. That is the na-

tional symbol of unity, and we need unity in this country because we are so diverse.

Symbols are important. We would have to be blind to world history to not understand that symbols are important. And I say to my friend, the Presiding Officer, that we have a symbol—unlike the Court's inability to recognize it—that is needed to unite this Nation, this diverse Nation, and the symbol is the flag. That is why, Mr. President, I rise to reintroduce my legislation on flag burning. The original legislation passed the Senate unanimously as an amendment to the child care bill, but since there may be extended debate on that child care bill in the House, I have decided with several of my colleagues to reintroduce the bill, slightly modified, after consultation these past 2 weeks with additional constitutional scholars.

My colleagues in the Senate, both Democrat and Republican, who join me in introducing this bill, believe that we must protect the American flag and the cherished value it embodies.

Mr. President, I ask unanimous consent that I have 5 more minutes to proceed.

THE PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator is recognized for 5 additional minutes.

MR. BIDEN. Mr. President, I am absolutely confident that we can do this, that is protect the flag, by statute. And I now send to the desk such a statute.

THE PRESIDING OFFICER. The Senator's proposed statute will be accepted and appropriately referred.

MR. BIDEN. Mr. President, I send it to the desk on behalf of my distinguished colleague from the State of Delaware as the prime cosponsor, Senator ROTH, along with Senator COHEN, as the two prime cosponsors.

THE PRESIDING OFFICER. The Chair will make an unusual request that his name might also be added.

MR. BIDEN. I am delighted to do that. I ask unanimous consent that the Senator from Washington, [Mr. ADAMS] be added as a cosponsor. I also point out that there are 21 additional cosponsors on both sides of the aisle. In my view, and in the view of several distinguished constitutional scholars with whom I have consulted, the legislation I have offered today can and must be sustained by the Supreme Court.

Mr. President, the Supreme Court emphasized in its decision that the Texas law, which was overruled, was not aimed at protecting the physical integrity of the flag in all circumstances. This is important. It was aimed instead at protecting it against only those acts of physical destruction that would "cause serious offense to

others." I will not take the time, because I do not have the time this morning, to elaborate further, except to say that if in fact the Texas statute had just said you cannot burn the flag, period, it would have been constitutional, in the opinion of most constitutional scholars. But it said that if you burn this flag and as a consequence cause serious offense to my friend from Illinois, then you have violated the Texas statute. If I burn the flag and the Senator from Illinois were not offended, or none of the pages were offended, and nobody in this revered gallery was offended, then it would not be an offense. The gravamen of the offense must be that it caused offense to others.

Now, the court concluded, because that is the basis upon which one is found guilty or not guilty, that guilt depended thus upon "the communicative impact of the action." That is getting kind of fancy here, but that is the phrase, "communicative impact."

If there were no impact by my burning, other than the flag went up in flames, if it did not offend anybody out there, if the defendant could have proved nobody was offended, then he would not be guilty under Texas law, and the court says that. But the court says because it depended on a communicative impact, that as I was trying to offend you when I burned the flag, it falls into the realm of the first amendment, because you cannot outlaw things because they offend other people, by and large, but you can outlaw actions merely because you wish to protect the integrity of the flag, of a specific item.

In contrast, the legislation that we have offered today eliminates references to the communicative impact of the prohibited acts. In other words, prosecution under our bill will not depend on whether the flag is used for communicative or noncommunicative purposes, or whether any particular group of people might be appalled or applaud what is being done.

Mr. President, great care and deliberation have gone into this approach. I have consulted with significant scholars, including Dick Howard, from the University of Virginia Law School; Rex Lee, former Solicitor General under the Reagan administration; Lawrence Tribe, professor of Harvard Law School, just to name a few. I have taken each of their views into account.

Now, Mr. President, under the terms of the unanimous consent agreement entered into last Friday, as chairman of the Judiciary Committee, I will be holding a series of hearings on these important issues, on the constitutional amendment introduced by my friend from Illinois and the Republican leader, the constitutional amendment introduced by Senator BYRD, and this legislation, as well as other constitutional amendments.

We will begin those hearings, the Judiciary Committee, and I will have at least one major hearing prior to our leaving in August. There will be at least one major hearing during the month of August while we are in recess, and we will have at least two major hearings in the month of September and report back to this body on a constitutional amendment, as well as a statute, if one is reported out of committee. If they are not reported out of committee, they are reported back unfavorably, but they will be reported back.

Mr. President, let me conclude by saying, if a constitutional amendment is needed, so be it. But I believe if you can do something by statute without further adding to the Constitution, it is wiser and more reasonable to do so. Mr. President, I think we can make it the law of the land that one cannot burn the flag in the United States of America. I think it is important that that be done. I think it should be done by statute. If it proves that that cannot be done—which I am certain it can—but if it proves it cannot be done, then it is the time to pass a constitutional amendment, if in fact we need one, because a constitutional amendment process would take a long time. This could be passed the day after we report it back. It can be passed by the House and the Senate and on the President's desk by mid-October. A constitutional amendment could take or will take months and could take years.

Mr. President, nearly 4 weeks ago, the U.S. Supreme Court decided a case that—since the time it was handed down—has captured the hearts and minds of nearly all Americans. From the schoolboy in Seattle to the farmer in Dubuque to the dockworker in Wilmington, DE, we've all been talking about the decision by the Supreme Court in what's become known as the flag-burning case. Whether we believe the decision was wrong—as I do—or right, it's touched a nerve among all of us.

Why is that so?

Mr. President, the answer lies deep within us.

We might each express it differently, but the passion we feel when we see Old Glory mournfully draped over a fallen hero's casket, as it goes by in a solemn funeral procession; or joyously flown over our town squares on the Fourth of July holiday that we just celebrated; whether the flag flies defiantly on the shoulders of the marines who hoisted it at Iwo Jima on an unknown peak called Mount Suribachi, or simply flutters in a warm breeze at the ballpark on a summer's evening, when we stand with our children and salute our Nation, the emotions that the flag stirs in us are really quite extraordinary.

The flag is truly the Nation's most revered and profound symbol, representing all that this country stands for. After all, the "Stars and Bars"—first flown on January 2, 1776—are older than the Declaration of Independence—older than America itself.

So, Mr. President, I was saddened by the Court's decision, and I was shocked to hear the Court say that it did not know "how to decide" if the flag was a symbol that was "sufficiently special to warrant * * * unique status" in our country.

With all due respect for the Supreme Court, I must disagree.

Mr. President, I take a backseat to no man or woman who serves in the U.S. Senate when it comes to being a defender of the Bill of Rights and particularly the first amendment. I defended first amendment rights in connection with the Agents Identification Act; I defended first amendment rights in opposing parts of S. 1, the Criminal Code reform legislation, that would have criminalized the disclosure of certain Government secrets; and I defended first amendment rights in pressing the FBI to investigate the Cispes matter. When it comes to the Bill of Rights generally, I have fought to protect the fifth amendment rights of aliens with respect to extradition under the Immigration Reform Act; I have fought to defend the sixth amendment right to a speedy trial; and I have fought to preserve the presumption of innocence under the Bail Reform Act of 1984.

The first amendment's protection for freedom of speech is not, however, absolute, as the Supreme Court has recognized on numerous occasions. Several exceptions have been recognized—for example, the first amendment does not provide protection for defamatory statements; for obscene materials, as the Supreme Court reaffirmed just a few weeks ago; and for artistic and other creative works protected by our copyright laws. So why shouldn't we recognize an exception for national unity and pride—in which there certainly is a compelling governmental interest.

We who inhabit this great land form the most unique and heterogenous nation on Earth. We were told when we were children that we were a melting pot—and that this is what made us strong. But that is not true—people fear diversity. The fact that we are black and white does not generate love—but fear. The fact that we are Christian and Jew does not send us running into one another's embrace heralding our difference. Our diversity initially pushes us apart—not together.

What holds us together as a nation is not our ethnicity, but one overwhelming notion—the notion that we have all, by and large, committed to

realize our dreams and resolve our difference according to a set of guidelines that are listed in the Constitution—a covenant, if you will—the single most obvious, clear and unquestioned symbol of which is the American flag.

That flag symbolizes our national unity and our sense of community—and we have a compelling interest in its protection. Our sense of community is critically important if we are to solve the problems confronting this ever-changing Nation.

That is why, Mr. President, just 2 days after the Supreme Court handed down its flag decision, I stood on this floor and introduced legislation to amend the Federal flag burning law that would have allowed the Federal Government to continue to make flag burning and other acts of flag destruction a crime while remaining consistent with the Supreme Court's decision in Texas against Johnson. That legislation—which had bipartisan support—passed the Senate unanimously as an amendment to the child care bill.

I rise today to reintroduce that legislation. As we know, there may be extended debate in the House on the child care bill. And so I have decided—along with many of my colleagues, Democrats and Republicans—to once again offer my legislation—slightly modified after consultation these past several weeks with additional constitutional scholars.

My good friend from the great State of Delaware, Senator ROHR, and my distinguished colleague from Maine, Senator COHEN, join me as principal sponsors of this legislation. I thank them for their support, and I look forward to working with them on this important issue.

As a freestanding bill, the legislation we've introduced today can be enacted into law quickly—so that without any further delay, we can ensure that flag burning and other similar acts of destruction of the flag are against the law.

Mr. President, there are those who would like to see this entire issue swallowed up by the roar of partisan politics. They would like to make the flag—which historically has been aligned not with one party but with all parties, not with some people but with all people—an issue for the next election and for elections in years to come. They would like to turn what has been the eternal unifier of this diverse land into the great divider. They would like to split the values that we all hold—patriotism, love of country, pride in our land—along party lines, so that the flag becomes the property of some, but not all, Americans.

Mr. President, we need not and we should not engage in such partisan debate.

There is a way of remedying the Court's decision in Texas against

Johnson—and remedying it easily, quickly and constitutionally. We can protect the American flag—as we must—and the cherished values that the flag embodies. We can do this by a statute that achieves the objectives desired by all of us. We can take the statutory route if—as a recent New York Times editorial said—we “want a result instead of an issue.”

Mr. President, I rise today in the hope that we can achieve that result. I send to the desk a bill that would amend the Federal law on flag burning to read as follows:

Whoever knowingly mutilates, defaces, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

In my view and in the view of the several constitutional scholars I have consulted, this law would allow the Government to continue to make flag burning and other acts of destruction of the flag a crime while remaining consistent with the majority opinion in Texas against Johnson.

Mr. President, the Texas law at issue in the Supreme Court case made it a crime:

To defile, damage or otherwise physically mistreat (the American Flag) in a way that the actor knows—and here's the key language—will seriously offend one or more persons likely to observe or discover his action.

As Justice Brennan emphasized, the Texas law was thus not aimed at protecting the physical integrity of the flag in all circumstances, but instead was aimed at protecting it against only those acts of physical destruction that “would cause serious offense to others.” And as Justice Brennan concluded, whether the Texas law was violated “thus depended on the communicative impact” of the conduct.

In first amendment terms, therefore, the Texas statute was not neutral. Rather, it applied only to those circumstances in which there was “serious offense to others,” and as a result it was subject to the most exacting scrutiny under the first amendment.

Thus, Justice Brennan drew a critical distinction between the kinds of flag statutes that would be constitutional—those that ban destruction of the flag in all circumstances, regardless of the point of view being expressed—and those that would be unconstitutional—those, like the Texas statute, in which the application of the law is in fact inextricably linked to the expression of a particular point of view.

The legislation I've offered satisfies the test outlined by the Court and falls into the category of flag statutes that are constitutional. I've eliminated the phrase “casts contempt” and the word “publicly,” and I've made sure that none of the key operative words are imbued with any element of com-

munication. Thus, the bill eliminates any reference to the communicative impact of the prohibited acts on others.

What we've done, Mr. President, is draft a bill that is “content neutral”—so that operation of the statute does not depend on whether the flag is used for communicative or noncommunicative purposes, or upon whether any particular group of people might applaud or oppose what the person is doing.

In its recent pronouncements of the subject, the Supreme Court has said that a “content neutral” regulation is one that is “justified without reference to the content of regulated speech”—which means that the Government cannot grant rights and privileges to those whose views it finds acceptable, and deny them to those whose views it finds unacceptable. My proposed legislation meets that test.

It's important in examining this issue, I might add, to understand that the Government has a legitimate interest in protecting the American flag. The Supreme Court has made that crystal clear. What's important is that when the Government decides to protect that interest, it must do so in a “content neutral” manner—which is precisely what my bill does.

Some might question whether the Government can properly protect against private acts of destruction. After all, some might say, if I buy a flag, why can't I do anything I want with it? I would argue that this is a red herring. As one of the professors with whom I consulted—Dick Howard of the University of Virginia Law School—pointed out, there are certain things of such intrinsic value that the Government has a substantial interest in protecting them, even when privately owned.

Take historic preservation laws, for example. If I own a home that's been designated as a historic landmark, I have to check with the Government before I can alter its physical structure. Even though I own the home and even though it's my own property, I'm limited in what I can do with it. The same rationale applies to my bill and its limitation on what people can do to the flag, even a flag they own.

Mr. President, serious and extensive study has gone into my approach, and each word has been chosen with great care and deliberation. I've consulted with constitutional scholars and Supreme Court practitioners whose views are diverse and cross the ideological spectrum—Dick Howard, as I've mentioned, from the University of Virginia Law School; Rex Lee, former Solicitor General under President Reagan, and currently president of Brigham Young University; Henry Monaghan, from Columbia Law School; Laurence Tribe, from Harvard Law School; William

Coleman, former Secretary of Transportation under President Ford; Walter Dellinger, from Duke Law School—to name just a few. I've taken each of their views into account in coming up with my legislation.

As we debate the merits of my statute and any other approaches that might be offered, let us not lose sight of one fact. This is not a debate about who is a "better American" or about who believes in the flag and the cherished values it embodies more than someone else. I can state with the utmost confidence that we all believe in the flag and those cherished values.

Mr. President, under the terms of the unanimous-consent agreement entered into last Friday, the Judiciary Committee will be holding a series of hearings on this important issue. These hearings will be thorough and fair, and will provide an exhaustive examination of both the legislation I've introduced today as well as the joint resolution proposing a constitutional amendment. I am confident that we will have a complete record on which to act.

I urge my colleagues in Congress and the President to waste no time in enacting my flag-protection legislation—to make it the law of the land—and to join me in giving life once more to the American's creed proposed more than half a century ago by William Tyler Page. It goes like this:

I believe in the United States of America as a government of the people, by the people, for the people * * * established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to obey its laws, to respect the flag, and to defend it against all enemies.

I urge my colleagues to join me in moving swiftly, surely and safely to restore the dignity and the inviolability of the flag we have respected all of our lives.

Mr. President, I thank my colleagues for their indulgence in giving me an additional amount of time.

I introduced the bill on behalf of Senators ROTH and COHEN and myself. I ask unanimous consent that the text of our bill be printed in the RECORD.

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

S. 1338

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 "Biden-Roth-Cohen Flag Protection Act of 1989".

SEC. 2. AMENDMENT TO TITLE 18.

Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly mutilates, defaces, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined not more than

\$1,000 or imprisoned for not more than one year, or both."

Mr. DIXON. Will my friend yield for a moment?

Mr. BIDEN. Yes.

Mr. DIXON. I wonder if my colleague would accommodate me by showing me as a cosponsor as well.

Mr. BIDEN. I ask unanimous consent that the Senator from Illinois be added as a cosponsor.

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

Mr. BIDEN. Mr. President, I also ask unanimous consent that the distinguished Senator from Nebraska [Mr. EXON] be added as a cosponsor.

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

The Senator from Maine.

Mr. COHEN. Mr. President, I commend the two Senators from Delaware for introducing this legislation.

I know there may be a tendency to try and characterize the offense that I think virtually everyone in this Chamber feels toward the individual who burned and desecrated the American flag. But I would hope that this debate would not turn into an issue of who is liberal or who is conservative, whether one is Republican or one is Democrat, and whether this statutory approach is weak or passive or reactive or not strong enough to overturn the Supreme Court decision.

I frankly think the Supreme Court decision was wrong. I think there was a basis for distinguishing this particular act, and it was an act as opposed to speech in my judgment.

As Senator BIDEN has pointed out, the first amendment is not absolute. We do not have absolute freedom to say whatever we want to say. We cannot defame individuals. We cannot stand in a public square and yell obscenities.

As Justice Holmes once reminded us many years ago, a person cannot falsely shout "fire" in a crowded theater.

There are recognized limitations not only to speech but also to action. There are a number of acts which are protected under the first amendment. We cannot desecrate public monuments. We would not, for example, allow the desecration of the Washington Monument. Someone could not spray paint on that monument, or place a swastika or other offensive symbols on it.

So there are no absolute guarantees under the Constitution.

The conduct itself—burning the American flag—offensive as it is, in my judgment was not protected by the first amendment, but the Supreme Court ruled on a 5-4 decision that it was.

Mr. President, Senator BIDEN pointed out the need to reaffirm our commitment to important symbols. I think it was Napoleon who said he could persuade men to let their veins for a piece

of bunting. That is how important symbols are in human existence.

I do not know of any more important symbol than the American flag. It is something that is deeply ingrained in our experience. We certainly fly it proudly on patriotic days. All of us who have been out on the Fourth of July break and participated in the various parades around our respective States know the deep sense of commitment there is to this country and what that flag represents.

We lower it to half mast to symbolize our grief over fallen colleagues. Our veterans' caskets are shrouded in it. We are now celebrating the 20th anniversary of man's landing on the Moon. Planting the flag on the surface of the Moon was the first act of our Apollo astronauts. It is perhaps the most unique symbol in our entire country.

Going back to the days long since passed in high school and college, I can remember there was no greater thrill than standing on a basketball court or baseball diamond listening to the national anthem being played and seeing the flag being saluted.

So it has a special place. I, too, was stunned to read the majority's opinion about the need to search around and see if we could find some national consensus about the importance of that symbol. It was an astonishing statement, in my judgment.

Mr. President, it is not simply a question of whether we must pass a statute or a constitutional amendment. It may be necessary to do both.

In this instance, Senator BIDEN has offered a statutory approach that can in fact correct the situation by amending the law to conform to the Supreme Court decision. I think that it is a positive approach. I think it is a wise approach. I hope it is possible to do so. If it is not, I certainly would support a constitutional amendment. In fact, I am a cosponsor of the President's proposal to amend the Constitution. But it may not be necessary that we go through that entire process, and I do not think anyone should stand on this floor and attack the motivations of any individual Member because he is not a cosponsor of the constitutional amendment.

I think this legislation is a way in which we can achieve our objective of trying to protect the integrity and the symbolism of the American flag.

I recall being on the floor when the Senator from Kansas took the floor, and I believe the Senator from Illinois did as well, to discuss an event that took place in Chicago, in which we had a so-called artist who laid an American flag on the floor and required patrons to that art exhibit to step across and violate that flag in order to sign their names to the registry.

All of us took the floor and challenged that particular act. It was not

an act of art. It was a desecration of the American flag. We spoke out very loudly. Senator DOLE was the first, and indeed his own background makes him the natural leader for those wishing to speak and criticize the desecration of the American flag.

I hope, Mr. President, that we can keep this issue in perspective. There are going to be Republicans supporting Senator BIDEN's measure; there are going to be Republicans certainly supporting Senator DOLE's measures and Senator THURMOND's. But if we have an opportunity to amend the Federal statute in such a way that we can protect the integrity and the honor of the American flag, I think we should do so.

Mr. President, I am proud to join Senators BIDEN and ROTH today in sponsoring legislation to remedy the U.S. Supreme Court's recent decision in Texas versus Johnson, upholding the burning of the American flag as a political expression protected by the first amendment. The legislation amends the Federal flag desecration statute to meet constitutional objections and it will, therefore, allow the Federal Government to continue to make flag desecration a crime while remaining consistent with the Court's decision in Johnson.

The Supreme Court's decision touched off an outcry of opposition in Congress and throughout the country. Old Glory evokes deep emotions in the hearts of millions of men and women in this country, many of whom have made sacrifices in the defense of the ideas of liberty and freedom that the flag represents. It is unique, a special emblem of our principles and ideals, and of our Nation's struggle for freedom. Americans stand respectfully when it rises, fly it from their front porches on patriotic holidays, lower it to half mast in times of tragedy and shroud their veterans' caskets in it. It is our most revered national symbol.

As Justice Stevens noted in his dissent in the Johnson case:

A country's flag is a symbol of more than "nationhood and national unity." It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. The value of the flag as a symbol cannot be measured.

I respect the Supreme Court and the role it plays in our system of government. But I cannot agree with a decision which permits the defacement of the symbol of our country's most cherished values and ideals.

The Court held that Mr. Johnson's action was expressive conduct protected by the first amendment. I share the Court's reverence for the first amendment and fully agree with the court that if there is a fundamental principle underlying the first amendment, it is that the Government may not prohibit the expression of an idea simply

because society finds the idea itself of offensive or disagreeable.

However, I believe that it is possible to honor the first amendment's protection for freedom of speech while recognizing that the flag is a unique national symbol that warrants unique protection. Preventing the physical desecration of this unique symbol does not in any manner inhibit the constitutional right to criticize the United States, its policies, or the principles upon which it was founded.

The Supreme Court struck down the Texas statute because it found that the law was designed to protect the flag only against abuse that would be offensive to others, rather than protecting the flag from physical destruction in all circumstances. It was, therefore, in the Court's view Mr. Johnson's expression of an idea—contempt for the flag and what it represents, and his desire to convey that message to those who witnessed the flag burning—that was targeted for punishment.

While the contempt and hatred Mr. Johnson expressed for the United States by his words and his actions are offensive to me and to the vast majority of Americans, I do not dispute his right to express or advocate such views. It is not his views but rather his action in physically violating the American flag that is in question here.

The legislation we are introducing today removes from the Federal flag statute those words that could be interpreted as attempting to suppress certain types of expression or speech. By amending the law so that it is "content neutral," it will prohibit the desecration of the flag in all circumstances without reference to the message or point of view being conveyed.

The Senate has passed a resolution expressing its profound disappointment that the Texas statute prohibiting the desecration of the flag was found to be unconstitutional, and expressing its continuing commitment to preserving the honor and integrity of the flag as a symbol of our Nation and its aspirations and ideals. We can demonstrate that commitment and, at the same time, remedy the Court's decision in Johnson by enacting the legislation being introduced today. By prohibiting the desecration of the American flag regardless of any political expression the individual may want to convey by his action, the legislation will achieve the result we all seek, and it will do so quickly and constitutionally.

Finally, I applaud Senator BIDEN for his work and leadership on this issue. And, I join him in urging our colleagues to work with us in supporting the passage of this legislation.

Mr. DIXON. Mr. President, I rise today with my distinguished colleagues from both sides of the aisle, to introduce an amendment to the Con-

stitution of the United States. The amendment will read as follows:

The Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States.

Amending the Constitution is a serious matter, Mr. President. I do not undertake this endeavor hastily nor do I take it lightly. We must proceed carefully, but always keep in focus our objective. The American flag is a sacred symbol of this Nation's unprecedented breadth of freedoms, and, as such, the flag should never be desecrated.

Americans, since the birth of this great Nation, have fought and died to forward the ideals embodied in the American flag. They strongly believed in these ideals. They were willing to put their own lives on the line in defense of democracy. Citizens everywhere find the burning or desecration of the flag offensive.

Recently, other Senators and I have been flooded with letters concerning the flag amendment. A large majority of our citizens have expressed their outrage with the Supreme Court decision and have expressed their desire for a redress of this issue.

A July 3, 1989, Gallup poll in Newsweek magazine stated that over 71 percent—nearly three-fourths of the American people—support an amendment empowering Congress and the States to prohibit the physical desecration of the flag.

The American flag is woven into every facet of this Nation's being. Supreme Court Chief Justice William Rehnquist said in his dissent in Texas versus Johnson that the American flag,

... has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.

Justice Stevens, who incidentally, happens to be an Illinoian, said in his dissent:

Had he chosen to spray paint—or perhaps convey with a motion picture projector—his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the Government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset.

In a 1969 Supreme Court case, Street versus New York, former Chief Justice Earl Warren said:

I believe that the States and Federal Government do have the power to protect the flag from acts of desecration and disgrace. * * * [I]t is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise.

I agree with former Chief Justice Warren's analysis. Warren realized the true value of the flag, and sought to protect it.

Former Justice Hugo Black concurred with Warren and added:

It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

I agree with former Justice Black's statement.

As I said at the time of the Supreme Court decision in Texas versus Johnson, I believe one can disagree vigorously with the policies of the United States, and yet need not desecrate the flag to make one's point. The courts have placed reasonable limitations on some freedoms in the past, without significant dilution of an individual's freedoms. This amendment, I believe, does not encroach upon or denigrate the freedoms expressed under the first amendment.

The amendment we are introducing prevents the desecration of the flag through simple, clear language. It allows Congress and the States to prevent the physical desecration of the flag of the United States. The language is straightforward and correct.

I have thought a great deal about this matter, Mr. President, and after careful review of the decision I believe the passage of a constitutional amendment to prevent the physical desecration of the flag protects a unique national asset while not encroaching on the rights of free speech.

I urge my colleagues to join me in support of this amendment.

May I simply say this in conclusion. I am delighted to cosponsor the legislation introduced by my friend from Delaware, the distinguished chairman of the Judiciary Committee. I will vote for that bill. I hope it becomes law quickly. And I hope that shortly it is tested in the courts.

Should the Supreme Court of the United States ultimately say that we can effectively, by statute and by legislation, address this problem, that would be fine with this Senator.

Then perhaps the question of pursuing the question of a constitutional amendment would become moot. It takes a long time to adopt a constitutional amendment. It requires a two-thirds vote in both Houses and it requires the affirmation and support of 38 States. So that takes some time. But I say that there should be a guarantee somehow under the laws of this great Nation that we preserve the integrity of the flag.

If we cannot do it by a law, if we cannot persuade the Supreme Court to reverse its position, then I say it is necessary to do it ultimately by constitutional amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, in America, a county borne proud by the traditions and nationalities of countless immigrants from countries around the world, our flag serves as an emblem of unity. It serves as a symbol of courage and virtue and truth that binds us all together as Americans. In a land made free by the blood, sweat, and tears of its patriots, the flag serves as the standard of liberty—the still, quiet, inspiring banner our heroes followed so boldly into war. To our youth it represents hope, and to our young families security. To our veterans it is a reminder of ideals for which they were willing to lay down their lives, and to our seniors it is the embodiment of principles for which they have labored so long.

I, too, remember returning from war, and seeing the red, white, and blue waving crisply in the wind above port, and I can't tell you the emotion I felt as I realized that I was, indeed, home. Not only did I serve beneath its shadow on foreign soil, but I was home to reap the many blessings it represents—the blessing of being an American.

Because the flag speaks so powerfully to the spirit of its people, America's detractors know that by defacing it, ripping it, burning it, or trampling upon it, they are violating not only the fabric of red, white, and blue, but everything for which it stands—a nation of homes and families under God, making life better for our children so our children, in turn, can do the same for generations to come. By violating our flag, these detractors know they are violating our principles of freedom and unity—principles of our very foundation.

I believe this is what Daniel Webster meant when he stood here more than 150 years ago, and said:

Let (our) last feeble and lingering glance . . . behold the gorgeous ensign of the Republic, now known and honored throughout the Earth, still full and high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth." . . . But everywhere (let it) spread all over the characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in very wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and for ever, one and inseparable.

Mr. President, when America's detractors violate our flag—whether in the alleys of Iran or on the streets of Dallas—they are insulting all who believe so strongly in the values symbolized by the flag as well as assaulting those very values.

Consequently, I am joining with my distinguished colleague, Senator BIDEN, in sponsoring this proposal to protect the flag, and I can say with safe assurance that I am doing so with

the support of folks back home. Since the Supreme Court decision my office has received many letters, notes, even poems calling for protection of the flag.

For example, one man from Lewes wrote to tell me: "I served overseas in the U.S. Navy in World War II, and when I saw Old Glory flying on ships, or on the islands, I had a sense of security and freedom. Please keep it flying high."

A lady from Dover wrote:

While stationed in Spain with the Air Force, we were not allowed to have an American flag anywhere. Finally after much "red tape," one small flag was allowed to be carried in a July 4th parade.

What emotion that touched off in all of us!

You'll never know how much it means until you aren't allowed to fly it!!

Before every movie at the base theater they played the Star Spangled Banner and at the end they would show the flag. Every time, most of us would get tears in our eyes for what that flag symbolizes. Thank you for your efforts to protect our flag. We support you in this endeavor with our prayers! We know, first hand, what it means to have the liberty to fly our great flag taken away! Please keep it flying!

Another sweet patriot from Milford wrote:

I never see Old Glory raised that I do not shed a tear thinking of my Dad, five brothers, two nephews, four cousins and one son who fought to protect her. . . . I fly her every day the weather permits.

Thousands of such responses have been pouring into my office, many of them suggesting what the penalties should be for those who desecrate the flag. One that especially caught my attention came from a man in Millville, who wrote:

As a Pacific veteran of World War II, I have always felt those who desecrated the flag should be trolled for bluefish!

I was also surprised by the number of immigrants—naturalized Americans—who are writing to support legislation to protect the flag. As one said, "It has come to be the symbol of our citizenship, and it is very precious. Burning it as a political protest is terrible."

I appreciate all these men and women, boys and girls, who are writing and calling. It demonstrates to me that the silent majority will not sit idly by and allow their country to be run by activists. It demonstrates to me that our folks back home are getting just about sick and tired of watching their important—almost sacred—symbols, beliefs, and institutions run into the ground by a radical agenda. But three of the letters I received, I will never forget.

The first is from Barbara Redden, from Newark, DE, who sent one of many poems I've received. Hers was an unpublished original—a poem for children, entitled "Betsy's Helper." I ask unanimous consent that the poem in

its entirety be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

And I would also like to quote a few lines, a dialog between Betsy Ross and her friend and helper, a pet mouse:

It reads:

They wanted her to make a flag of red, white, and blue.

And they said it should have stripes and stars on it, too.

She said she'd love to make a flag to fly over their land,

And would be honored to make it with her very own hand.

George Washington, said:

The flag needed to be done for a big parade that day.

The country needs to pull together, and a flag may be the way.

He felt that an American flag flying over us, one and all,

Would give us something to look up to, and we'd be proud, and we'd never let it fall.

Mr. President, the second letter I will never forget comes from a veteran of Vietnam who described how a buddy was wounded for doing exactly what Mrs. Redden described, never letting the flag fall. During the course of a battle, he took the flag before it was allowed to fall into the dirt, and in the course was hit by enemy fire.

And the third, Mr. President, comes from a proud American in Seaford. Who said simply: "I was on Iwo Jima. * * * Need I say more."

No, Mr. President. No, he need not say more, and neither do I. Without condition, I support whatever action it takes to protect our flag.

EXHIBIT 1

BETSY'S HELPER

(By Barbara Redden)

There once was a little mouse,
Who lived in Betsy Ross's house.
Right in the middle of the city.

You've never heard of him? My what a pity!!!

That little mouse stayed mostly in the wall.
Although, sometimes for fun, he'd run up
and down the hall.

Betsy was a Quaker, and came from a large family.

She had a sewing shop, and she was as neat
as she could be.

If threads and material dropped on the floor,

She'd sweep them up, and then sew some more.

One night, Betsy was about ready for bed,
When she quickly turned her head,

And she spied that little gray mouse,
Sticking his head out of the door of his house.

Betsy liked him, and said, "Don't run away."

So he came back and started to play.

She gave him some crumbs on her cleaned up floor.

The next night he came back, and she gave him some more.

They became very good friends, what do you think of this?

The little gray mouse, and the Quaker Miss.

Some men came to see Betsy on business one day.

It was her uncle and George Washington the mouse heard her say.

They wanted her to make a flag of red, white, and blue.

And they said it should have stripes and stars on it too.

She said she'd love to make a flag to fly over their land,

And would be honored to make it with her very own hand.

The sat and talked, and drank some tea,
And told her how the flag should be.

They'd be back to get it one week from that date.

Betsy would have to hurry so she would not be late.

The cloth she used was bunting, and it was good and strong.

That is why she used it, because it would last so very long.

She worked hard every day to get that big job done.

She marked off on her calendar the days one by one.

Betsy made tiny stitches from sun up to sun down.

She worked very hard on the flag, but never wore a frown.

Even though her days were rushed, she remembered her little friend.

She still gave him crumbs and chatted while she hemmed.

In the conversation, she told the little mouse,

That early in the morning, General Washington would stop by her house.

The flag needed to be done for a big parade that day.

The country needs to pull together, and a flag may be the way.

He felt that an American flag flying over us one and all,

Would give us something to look up to, and we'd be proud, and we'd never let it fall.

Suddenly a bad thing happened. Betsy's scissors broke.

There was no way to repair them, and that was no joke.

Poor Betsy, to think her work was almost done,

And her scissors broke, that wasn't any fun.

The little mouse peeked from his hole in the wall.

Betsy looked sad, and down her cheek a tear did fall.

There were to be thirteen stars, one for each colony.

Ten were cut, and sewn, but what about the last three?

Her neighbors couldn't help her. They had all gone to bed.

There was nothing left to do, but lay down her weary head.

Soon the house was quite—just as quiet as could be.

The mouse came out to look, to see what he could see.

He said, "I wish I could do something to help my dear friend.

I'd be ever so happy if I had scissors that I could lend."

The little mouse sat and thought for a minute or two.

Then he said to himself, "there is one thing I could do."

Betsy had drawn stars on the cloth and placed in on the table.

The mouse started nibbling around the stars as fast as he was able.

At last the job was done, and he heaved a great big sigh.

Betsy could sew the stars on quickly, and the flag would be ready to fly.

When Betsy saw the stripes were cut, she jumped up and down with glee.

Who was here in the night and cut those stars for me?

Then she spied her friend the mouse.

He grinned at her from the door of his house.

Then with his eye, he gave her a wink.

"Oh," she said, "you're good at making stars I think."

She patted him on his head, and put some crumbs on the floor.

Betsy sewed the stars on quickly, then General Washington knocked at the door.

He saw the flag and loved it as all Americans do.

He always carried it proudly, and that's what you should do too.

Of course, all of this took place over two hundred years ago.

Since then our country has had lots of time to grow.

We now have a flag with fifty stars on a field of blue.

One for every state—the one you live in too.

Mr. LEAHY. Mr. President, all of us agree that burning the American flag is a despicable act—hostile to our shared values and sensibilities.

It should be outlawed.

And it will be outlawed.

Mr. President, I rise today not to address the question of flag burning.

There is really no dispute about that issue. We Americans all oppose flag burning.

But I rise today to protect the integrity of the U.S. Constitution.

Our forefathers fashioned a unique, remarkable charter—one deeply rooted in the past—yet dynamic and flexible enough to lead the way today and tomorrow.

That charter—the Constitution of the United States and the Bill of Rights—is unparalleled by any in the history of the world.

"We the People" benefit from it every day. It stands as a beacon—a shining monument to the principles of individual liberty.

The first amendment, perhaps more than any other provision of the Constitution, reflects the essence of American democracy. It provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It protects the right and freedom of every American to think, to speak, and to write, to defend and to offend beliefs as we please without the threat of government censorship or reprisal. It ensures the rights of the minority—even a minority of one—in a political system run by the majority.

Every American holds dear the freedom guaranteed by the first amendment. But it has a special meaning for me. As the son of a Vermont printer, a publisher of a weekly newspaper, I grew up in a family which venerated

freedom of speech above almost all others.

I learned that freedom of expression is the first amendment to the Constitution for a very profound reason. If we are not free to express our thoughts, the inalienable right to govern ourselves is meaningless.

Freedom of speech and freedom of religion guarantee diversity in America. And that diversity guarantees the democracy all Americans hold dear.

Our appreciation and wonder at the extraordinary freedom we enjoy was renewed just last month as we witnessed the brutal massacre of Chinese students in Tiananmen Square. We paused, hoping that democracy might blossom there as it did here in our country more than 200 years ago. We saw all too clearly, though, that if democracy and freedom of expression lack the force and legitimacy of law, they are nothing more than fleeting, ephemeral notions.

Today, there is a lot of talk about amending the blueprint of our democracy. Many people, understandably upset with the Supreme Court's decision in the flag-burning case, believe that it is time to alter the Constitution, to change course even ever so slightly.

They are wrong.

Our founders fought a bloody war of independence to guarantee fundamental liberties to the American people. For 200 years, these liberties have shielded individuals from the excesses of government. They are the bedrock of our democracy.

Other generations faced crises that precipitated cries for changes in the Constitution. Through each challenge to our core principles and values, our basic charter of rights has survived unscathed. Outrage and passion were tempered. Wiser heads prevailed.

Is it not the President's responsibility to support the law of the land? The Supreme Court has no troops. Its edicts are followed by moral suasion.

What if President Eisenhower, for example, had asked for a constitutional amendment to reverse Brown versus Board of Education instead of pledging the support of the executive branch for the Court's decision?

In retrospect, we have to be grateful that the Senate and the President met their responsibility to protect the Constitution, to deliberate, to take the long view.

Well, Mr. President, it is time the Senate of the United States and the President do that again.

We must preserve that tradition as we debate the protection of our flag.

The flag is our most beloved symbol. And we are a nation grounded in symbols as well as in words. The flag unifies us as a nation and defines us as a people. One can burn a flag, but no one can ever destroy the flag as long

as its spirit and purpose endure in the hearts of all Americans.

The only way to truly dishonor the flag is to turn away from the principles it stands for, to betray the values it represents. We do just that when we talk about amending the Constitution unnecessarily.

With the exception of the Bill of Rights, our Constitution has been amended only 16 times. The amendments to the charter range from prohibiting slavery to guaranteeing women the right to vote.

The fundamental principle underlying our democracy is that the government's power over the people must be limited. Our democracy "of and by the people" cherishes individual liberty above all else. Increasing the government's power at the expense of individual freedom—because of the outrageous acts of one publicity seeking miscreant in Texas—runs contrary to our most fundamental principles.

It sets a dangerous precedent.

It defies the essence of our basic charter of individual freedom.

And it is avoidable. We can and we should address this reprehensible conduct easily and immediately by changing the Federal statute on flag desecration.

But amending our Constitution, that, Mr. President, is a grave undertaking—one we should consider only to redress the most profound grievances. In this instance, it is not necessary. We have the power and authority to prohibit desecration of the flag by statute.

There is no reason to tinker with the very structure of our Government. The chairman of the Judiciary Committee has a proposal that many constitutional scholars agree will not offend free speech values. It is really a more sound, reasoned approach than any proposed amendment to the Constitution.

As Senators we have a special responsibility to safeguard the Constitution. Each of us has sworn to "support and defend," not only the words, but the very essence of the document.

It is true that we have a responsibility to represent the dissatisfaction of people all over the country who are outraged at the thought of burning our national symbol. I am a Senator from Vermont and in that capacity I express my own and I believe the abhorrence of all Vermonters at despicable acts like flag burning.

Each of us is here in this great deliberative body, not only as a representative, but as a leader. And in that capacity we have a critical and more challenging responsibility—we must uphold our oath to protect the Constitution despite public condemnation and criticism.

We have to see the passion, the clamor, and the public outcry through the prism of the oath we are sworn to

uphold. We have to pause in the midst of the frenzy and recognize the gravity of the amendment we consider.

Ultimately we have to do what is right. We 100 men and women have to act as the conscience of our Nation.

We have to search our hearts and minds for a solution that does not betray the principles that underlie our democracy.

We owe that to the American people—to those in whose shadow we stand and to those whose future we hold in our hands.

We cannot allow the Constitution to become a forum for partisan battles. The issue is not political symbolism, political posturing, or political elections. Demagoguery has no place in discussions of the future of this Nation's Constitution.

It is too important for that.

For if we surrender those values that unite us as Americans, what then do we become?

And if we vote to amend the Constitution to overrule the Supreme Court's decision in this case, where do we stop?

Do we vote for constitutional amendments whenever the latest public opinion polls indicate public dissatisfaction with a decision of the Supreme Court? If public opinion surveys become the standard, by the end of the century we are going to need computer programs to decipher our Constitution.

Mr. President, this is the Constitution of the United States. This little booklet that I carry in my pocket is the Constitution of the United States.

Look what happens, though, when we amend everything to cover every possibility. Here is the Internal Revenue Code. These four piles of books, the Internal Revenue Code and the regulations that go with it. And here is the Constitution of the United States. This little booklet.

Do we dare risk turning this cherished charter, beautiful in its simplicity, into a morass like this?

In my 14½ years as a U.S. Senator, I threatened to filibuster one time—when the Reagan administration launched an assault on the Freedom of Information Act. I did not acquiesce to that attack on the first amendment principles of open, free government.

I shall not acquiesce to this attack.

I am telling Senators now that toying with the first amendment, this is where I draw the line, and this proposed constitutional amendment is where I make my stand. I will oppose the proposed constitutional amendment aggressively. I can conceive of no more important way to uphold the profound oath I took to defend and support the Constitution of the United States of America.

The Bill of Rights has survived unchanged for two centuries. Amending

it will be a monumental moment in the history of this body.

I can assure my colleagues that we will not consider any changes to our fundamental liberties in 36 hours or 36 days. We will explore each possibility, each ramification, and each conceivable cost—no matter how long it takes.

More than 200 years ago, Patrick Henry said, "Perhaps an invincible attachment to the dearest rights of man may, in these refined, enlightened days, be deemed old fashioned." Perhaps that is the case today. If so, I, like Patrick Henry, prefer being an "old-fashioned fellow"—an old-fashioned fellow who knows in his heart that the simplicity of the Constitution is perhaps our Founding Fathers' wisest bequest.

The Constitution has endured through historic changes unimaginable to those who crafted it—a bloody civil war, a great depression, battles over civil rights, and the threat of nuclear destruction. Through each crisis, the Constitution not only has endured, but has grown stronger and more vibrant.

As Chief Justice John Marshall said, the founders wrote the Constitution "To endure for ages to come, and consequently, to be adapted to the various crises of human affairs." What a bold and enlightened undertaking.

In conclusion, Mr. President, we are at a watershed. We can succumb to the passions of the day or we can remain true to the enlightened principles we all hold dear.

FLAG DESECRATION STATUTE

Mr. CRANSTON. Mr. President, I join with the distinguished chairman of the Senate Judiciary Committee, the Senator from Delaware [Mr. BIDEN], in introducing legislation today which would amend title 18 of the United States Code to make it a Federal crime, punishable by a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both, for anyone who knowingly mutilates, defaces, burns, displays on the floor or ground, or tramples upon any flag of the United States.

This legislation is designed to respond to the recent decision of the U.S. Supreme Court in Texas versus Johnson by amending the existing Federal statute relating to desecration of the flag in a manner which would make such acts punishable without violating the constitutional standards set forth in that decision.

Mr. President, the constitutionality of the current Federal statute is questionable in light of the decision in the Texas case insofar as it makes it a crime to "cast contempt" publicly upon the flag in by any of the specified acts of desecration. The majority opinion in the Johnson decision clearly focused upon the constitutional prohibition against punishment of the communication of ideas; by removing

all references in the existing Federal statute to the ideas communicated and penalizing only the physical act itself, this legislation would, in the view of noted constitutional scholars, withstand constitutional challenge.

In other words, Mr. President, Federal law, as amended by this legislation, would make it a crime to commit the physical act of burning, mutilating, or trampling the flag. It would thereby remove the reference to the communicative or expression aspect which renders the current statute constitutionally questionable under the recent decision.

I believe this is an effective and appropriate response to the dilemma which the Texas decision has created. The American flag symbolizes our Nation and our ideals, and I do not believe that the Constitution of the United States prohibits Congress or the States from taking appropriate legislative steps to protect this unique symbol from deliberate mutilation or wanton destruction. A careful reading of the decision in the Johnson case makes it clear that the result might well have been difficult if the Texas statute had separated the physical protection of the flag from punishment for the expression of particular ideas. As the Court specifically stated,

The Texas law is * * * not aimed at protecting the physical integrity of the flag in all circumstances, but is designed instead to protect it only against impairments that would cause serious offense to others.

Lawrence H. Tribe, professor of constitutional law at Harvard Law School observed in a recent New York Times article,

Properly understood, the Court's decision upheld no right to desecrate the flag, even in political protest, but merely required that Government protection of the flag be separated from Government suppression of detested views. Texas went astray by punishing * * * Johnson for the views he publicly expressed in burning the flag instead of punishing him for the bare fact of this desecration of that special object.

Mr. President, I believe that a statutory approach to this problem is a swifter, more precise remedy than a constitutional amendment. At least three proposed constitutional amendments have been introduced in the Senate and are pending before the Judiciary Committee. The three I have seen use very general language which would empower government entities to take steps to protect the flag from physical desecration. The limits of that power are not defined, as they are in the statutory approach which delineates the specific prohibited acts and the penalty for violation of the statute. Unless a constitutional amendment is drawn with great care, we might well see some overzealous Government bureaucrat attempting to fine a citizen for using the stars and strips as decorative material. This type of display of our Nation's symbol has

become standard at patriotic events—witness the bunting displayed around the speaker's platform at a typical Fourth of July or Memorial Day event. We need to proceed very carefully in this area. I'm not convinced any of the draft proposals for constitutional amendments do so. The Biden statutory approach does so. It is narrowly drawn to deal with a specific problem.

Mr. President, I want to speak for a moment to those who believe that any action in this area—statutory or through a constitutional amendment—would violate the principles of the first amendment. I respectfully disagree. I yield to no one in my dedication to preservation of freedom of speech and expression. However, there are few absolutes in any area of governance, including freedom of expression. Great defenders of the civil liberties and the first amendment such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas have all expressed the view that a simple prohibition on flag burning would not violate the first amendment. Justice Black observed in a 1969 case,

It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense.

The United States is a democracy, not an anarchy. The concept of ordered liberty embodies laws and restraints that our people abide by and that includes certain areas of conduct which might be construed to be expressive in nature. For example, we do not permit citizens to walk down the streets naked, although displays of public nudity may be a form of free expression to some. Government entities now restrain free expression through a complex web of laws and regulations directed at behavior and actions. Trademark and copyright laws restrict certain aspects of speech. Respect for the dead underlies laws prohibiting desecration of graves or inappropriate display of corpses. Zoning laws restrict our use of private property in manners that might well be expressive. What is not permissible and what should never be tolerated in this country is the use of the law to single out and punish particular ideas. That was the fatal flaw in the Texas statute. The legislation which has been introduced preserves that important distinction.

Mr. President, I am pleased to be an original cosponsor of this legislation and hope that it will move swiftly through the Congress so that flag can be accorded the protection that it deserves as symbol of our heritage and identity as a nation of people bound together for the common good. Millions of Americans have fought valiantly, and many have died to protect

this symbol of our Nation. I believe we can protect the flag from abuse in a manner consistent with the values and ideals that the flag and our Nation represents.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I first of all want to agree with both Senators BIDEN from Delaware and COHEN from Maine. This is not a partisan issue in the sense that we are going to attack anyone's motivation. I think there are honest differences of opinion and some may conclude that we maybe should follow both the statutory and constitutional amendment approaches. I supported the Biden bill that was offered to the child care bill. I think it has been slightly modified since then. I have some reservations about the Biden bill. I think that these reservations will come out in testimony when we have the hearings on the constitutional amendment. There are going to be 4 days of hearings.

We have a unanimous-consent agreement now which protects those who want a statutory approach, those who prefer a constitutional amendment, or those who may decide that we need to do both.

Under the agreement, we will take up the statutory approach first, then there will be a week recess in October, and then the first order of business when we come back will be the constitutional amendment. This, I think, is a fair arrangement. I know some of my colleagues are concerned because the agreement we entered into on this floor, myself and the majority leader, contains a provision that no other flag amendments will be in order until we can dispose of these two major pieces of legislation.

The purpose of this provision is to make certain that the focus is where it should be, on a statutory approach versus a constitutional amendment.

We did not want to clutter up every bill that came along with some flag amendment. We think the issue has been joined. We will have witnesses, certainly constitutional experts and others, who will appear before the Judiciary Committee.

So I would send to the desk the joint resolution to amend the Constitution cosponsored by myself and Senator DIXON, Senator THURMOND, Senator HEFLIN, and 49 others.

The PRESIDING OFFICER (Mr. GRAHAM). The resolution will be received and appropriately referred.

Mr. DOLE. We have 53 cosponsors on the joint resolution. We need 67 votes if we are to pass the constitutional amendment.

My view is there are going to be 67 votes. And it is also my view that the Supreme Court, 28 days ago, made a red, white, and blue blunder. It ruled that our Nation's flag did not deserve

special protection—constitutional protection from desecration.

Twenty-eight days ago, this Senator called the Court's decision a mistake. But far more important than what this Senator said, the American people—in powerful and emotional tones—also said it was a mistake. Most are hopping mad, and I cannot blame them.

In their outrage, they are demanding that Congress do something—to act quickly and decisively to fix a major error by our Highest Court.

I must say that I read the opinion. I read it a couple of times. You could come down, I assume, on either side. You could read Justice Brennan's opinion and say: "Oh, it sounded pretty good." Then you could read Justice Rehnquist's opinion. To me, this opinion sounded better.

Since that time, some people have tried to sell the notion that this was a 24-hour issue—that emotions have now cooled, and that the American people really do not care anymore.

Some of the people who live inside the beltway and who write editorials and commentaries, who like to think they speak for all the American people—and they do not speak for many at all—said, "Oh, this is not an issue." Then we heard all of the intellectual arguments and editorials that said we were going to infringe on the first amendment, freedom of speech, and that we should not tinker with the Constitution.

All these arguments may sound good in somebody's ivory tower somewhere, but they do not sell too well in the VFW hall in Russell, KS, or anywhere in America. Maybe they are great guns in the press gallery. But when you get out where the people are, when you go out to a military cemetery or to a military funeral and when you see the military escort fold the flag and hand it to the widow or the children of someone who has been killed in service of his country, then you realize that the flag is a powerful symbol.

How many flags do we have flown over the Capitol each year by Members of this Senate? I would bet thousands and thousands of flags are flown over the Capitol at our request so that they can be sent back home for some special occasion in our States.

The flag, in my view, is more than a symbol. It ought to be protected by the Constitution. It should not be burned. It should not be mutilated. It should not be trampled upon. And that is the constitutional approach.

On October 16, we will be standing here debating the constitutional amendment. The amendment that Senator DIXON and I have introduced may not be perfect. Maybe there ought to be a word or two changed. Some have suggested a change or two.

But it would seem to me that with the people who have contacted me and

the people who have written to me, we need to have constitutional amendment protection.

I watched on C-SPAN the first day of hearings on the House side. There were very good witnesses at the hearings and very good questions from people who have different views. So I want to lay to rest any thought that somehow if we do not agree with one approach we are attacking someone's motives or someone's patriotism or someone's politics. That is not the case at all.

I want to commend President Bush for giving us leadership on this issue. He wants a constitutional amendment to save the flag from the hands of the desecrators and anyone else who relishes the thought of putting a torch to Old Glory. I commend the President for that.

So we have had a number of flag protection measures introduced in the House and in the Senate. We have had hearings open on the House side.

My staff and I have carefully reviewed these measures, and have come to the conclusion that there is really only one way to get the job done; only one fix that will satisfy the American people; and only one remedy that is equal to the lofty status of Old Glory—so today, as I have said before, the U.S. flag deserves nothing less than constitutional protection.

Again, I do not criticize the good faith efforts of Members on both sides who are trying to produce legislation that might reverse the Court's ruling—I applaud them. Senator BIDEN, Senator ROTH, and Senator COHEN, for example, are working hard on amending the Federal flag desecration statute. It is a solid effort. But, in my view, it will not do the job. Let me tell you why.

As I said, I supported the Biden bill and I may vote for it again. But is there a guarantee in the Biden bill that it will constitutionalize the Federal flag desecration statute? There is no guarantee at all. We might have to wait 3 to 5 years for the courts to put their stamp of approval or rejection stamp on the statute.

The Biden bill does nothing to ensure the constitutionality of the flag statutes that are now on the books in 48 States. The State legislatures are closer to the people, and the people have made their views known in their State legislatures. These 48 State statutes deserve protection. The President's constitutional amendment—simple and straightforward—accomplishes this goal.

For those reasons and others, it seems to me that the best approach is the constitutional approach. Certainly both warrant full debate. We are going to have full debate. We are going to have comprehensive committee review and that is why, as I indicated before,

the leaders agreed to this dual-track approach in the committee.

After careful consideration in the committee, both approaches will come to the Senate floor and, for purposes of Senate consideration, they will be separated just by a 1-week recess. That will give the American people an opportunity, if they wish to focus on the statutory approach or the constitutional approach, to see them side by side.

I share the view expressed by the distinguished Senator from Delaware [Mr. BIDEN] before the House Judiciary Committee: This should not be a partisan debate. I have worked very closely with Senator DIXON, going back to the trampling case in his own State of Illinois. As far as I know, there are no partisan politics involved. Some of us have different views. And some of us in this Chamber are constitutional experts. I am not a constitutional expert, so I may have a slightly different view.

So it seems to me that we are on the right track. I commend the majority leader for helping to work out an agreement and I commend Members on both sides for not objecting to the agreement. We are going to approach this as a serious matter. It is a serious matter. We may fail in the final effort to amend the Constitution. But the amendment process has been clearly laid down by the Founding Fathers.

It is a long process—a two-thirds vote in the House and the Senate, and ratification by 38 States. That is not easy to do. If the legislatures in the various States decide, or the Congress decides, or one House decides, that constitutional protection is not a good idea, that is the end of it. But, in my view, the American people are not going to change their view on the American flag. In fact, I think it may be a little stronger now than it was when the Court first handed down its decision.

So I am very proud to join with Senator DIXON, Senator THURMOND, Senator HEFLIN, Senator WILSON, and many other Senate colleagues, in introducing a joint resolution calling for a constitutional amendment to protect our flag. I am proud to say that the amendment has majority support in this Chamber—53 cosponsors, and we hope to have four or five more before the day is out. These cosponsors are both Democrats and Republicans.

I do not take amending the Constitution lightly, as I have said. The cosponsors do not take it lightly, either. It is serious business. It requires serious reflection, serious debate, both here in Congress and in State legislatures across our country. It could be a long and difficult process. I do not think it will be very long. It may prove not to be too difficult. It may just whip through the States.

I know in my home State of Kansas, our Governor wants to be the first Governor to take up this process and have the legislature ratify it first. Well, he may not have that opportunity, but at least that is an indication of the feeling in the Midwest.

If the amendment is not ratified, if it fails to survive the amendment process, then so be it. The American people will have spoken. But if the amendment is ratified, if the amendment receives the approval of two-thirds of Congress and three-quarters of the State legislatures, then the American people also will have spoken and their voice will be heard loud and clear.

Mr. President, I wish to thank my colleagues who have cosponsored the joint resolution for a constitutional amendment. I look forward to the debate and the committee hearings. In my view, whatever happens, we will make the right decision.

I ask unanimous consent that the text of our joint resolution be printed in the RECORD.

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

S.J. RES. 180

Whereas the Flag of the United States of America is a national symbol of such stature that it must be kept inviolate:

Whereas the physical desecration of the Flag should not be considered constitutionally protected speech; and

Whereas physical desecration may include, but is not limited to, such acts as burning, mutilating, defacing, defiling or trampling on the Flag, or displaying the Flag in a contemptuous manner: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"The Congress and the States shall have power to prohibit the physical desecration of the Flag of the United States."

The PRESIDING OFFICER. The Senator from South Carolina.

PROPOSED CONSTITUTIONAL AMENDMENT TO ALLOW PROHIBITION OF DESECRATING THE AMERICAN FLAG

Mr. THURMOND. Mr. President, I rise today as an original cosponsor along with the distinguished minority leader, Senator DOLE, Senator DIXON, Senator HEFLIN, and others to introduce on behalf of President Bush a proposed constitutional amendment which would protect our American flag from physical desecration.

This constitutional amendment would effectively overturn the Supreme Court's decision in Texas versus Johnson which allows protesters to burn and physically desecrate the American flag.

Immediately after the Supreme Court's decision, I introduce a proposed constitutional amendment with 41 cosponsors to accomplish the objective we seek today.

As of today, we have 45 cosponsors on that amendment. However, after discussions with the Bush administration, the distinguished minority leader, and others, we have determined that today's proposed language is also an acceptable, simple and straightforward approach to protect the American flag.

Both proposals are succinct and make clear that the Congress and the States have power to prohibit the physical desecration of the flag of the United States.

I am disheartened that the Supreme Court has seen fit to sanction the contemptuous desecration of one of the most admired and venerable symbols of democracy in our Nation's history.

It is unfortunate that we must now pass a constitutional amendment to protect the American flag which has symbolized American democracy for over 200 years.

Mr. President, I must say, my good friend Senator BIDEN has introduced a statute to offset this decision. I shall be pleased to support that statute. It may get results. We do not know. There is some doubt, through, as to whether it will.

I think the only sound and safe way to approach it is to pass a constitutional amendment.

The recent decision by the Supreme Court struck down the laws of 48 States and also our Federal statute which prohibits the physical desecration of the American flag. The Supreme Court has couched its decision in terms of the first amendment's protection of freedom of speech. As generally recognized, the first amendment does not give an absolute protection for freedom of speech. The physical desecration of the American flag should not be protected under the first amendment.

The State legislatures and an overwhelming majority of Americans are now looking to the Congress to protect the integrity of our beloved national symbol—the flag of the United States of America.

Our flag represents our Nation, our national ideals and our proud heritage. As a shining beacon for democracy, the American flag has flown for over 200 years. Old Glory has earned the respect and admiration of freedom loving people all over the world.

Our Armed Forces and American veterans who have bravely defended

our freedoms must truly be angered and dismayed by the Supreme Court's decision. Throughout our history the American flag has led brave men and women into battle and served as an inspiration in the defense of our dramatic ideals.

Mr. President, the Supreme Court has opened an emotional hydrant across our country demanding immediate action to overturn this overreaching decision. It is, indeed, a feeling of great pride to know of the sincere patriotism that runs deep through our Nation.

We have a profound responsibility to act swiftly in passing a constitutional amendment and submitting it to the States for ratification.

I urge my colleagues to join us in our effort to restore the proper civil respect to the American flag. The United States flag, the symbol of freedom and democracy, must always be protected from desecration and forever wave over the land of the free and the home of the brave.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

THE AMERICAN FLAG—A SYMBOL OF IDEAS AND VALUES

Mr. COATS. Mr. President, often the American flag's unique power to move and inspire is only evident when displayed in times of crisis. Like on the day that it was draped over the caskets of those who died on the battleship *Iowa*. Or on the day it was burned by chanting Iranian fanatics during the hostage crisis.

These unforgettable images provoke a kind of pride and anger that is easier felt than explained. They are emotions that do not need to be syrupy or sentimental, but they are rooted in one solid and extraordinary fact—that the flag somehow embodies the selflessness of thousands of men and women who died to preserve an American experiment in freedom.

But now the Supreme Court has discovered a curious and disturbing new constitutional right. Ironically, as a flag flew over its white-marbled building, the Court determined it was perfectly legal to burn the American flag as a form of political speech.

The case they decided began with a protest at the Republican National Convention in 1984. In front of city hall, a protester doused the American flag with kerosene and set it aflame while several dozen others chanted, "America, the red, white and blue, we spit on you."

This kind of desecration provokes in most Americans, including myself, the sort of emotion that can keep you awake at night.

It is not that Americans are insecure. We do not blindly follow traditions, but we do care deeply about

symbols—particularly this symbol, this one symbol of ideas and values for which men and women have sacrificed and died in every generation in our country's history. To desecrate the flag, I believe and most Americans believe, is to desecrate their memory and make light of their sacrifice.

There is a type of patriotism that is held so deeply that it finds expression in concrete things like a patriot's crippled body—or in bits of colored cloth. For those who have risked death in service of a flag it is more than just a symbol, it is a tangible sacrifice you can actually hold in your hand.

The flag bears our pride in times of celebration. It bears our grief at half-staff. But it should not be forced to bear the insults of a calloused and deformed conscience.

Men and women who we ask to die for a flag have a right to expect deference for that flag by those who benefit from their sacrifice. It is part of the compact we make with those who serve. Until this decision, it was the law in 48 States, and it must be the law once again—even if that takes a constitutional amendment to accomplish this purpose.

Tolerance is an important thing in a free and diverse society. Agreement must never be a prerequisite for civility. But tolerance can never be rooted in the view that nothing is worth our outrage because nothing is worth our sacrifice.

Chief Justice Rehnquist authored a stinging dissent to this misguided decision, arguing:

Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution or flag burning.

Justice John Paul Stevens added, referring to the ideals of American patriotism:

If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration.

Yes, we must be tolerant. But we must never adopt an enervating and cowardly disdain that strips us of patriotic conviction and dulls our ability to be offended by the desecration of vital symbols. "In the world it is called tolerance," wrote Dorothy Sayers, "But in hell it is called despair . . . the sin that believes in nothing, cares for nothing, enjoys nothing, finds purpose in nothing, lives for nothing, and remains alive because there is nothing for which it will die."

Mr. President, I yield the floor.

PROTECTING THE AMERICAN FLAG FROM PHYSICAL DESECRATION

Mr. D'AMATO. Mr. President, let me commend my distinguished colleague from Indiana for the eloquence of his remarks, and I would like to be associated with him. I do believe that he has encapsulated the feeling of so many, not only in this body and in the House of Representatives, but more important what Americans feel. The flag, indeed, is the embodiment of this great Nation. None of us seek to keep people from exercising not only their constitutionally protected rights, but their God-given rights, to express themselves—whether it is with displeasure toward our country, or its Government, or its leaders. I do not believe, however, that the framers of the Constitution ever intended that flag desecration be protected under the first amendment and used, as some would use it, for the purposes of speech or disdain. Rather, it is uniquely a symbol and protecting it is not a test of whether or not we would deprive people of free speech.

I believe that we need a constitutional amendment to deal with this. While I will support Senator BIDEN's legislation, I see further challenges, further constitutional challenges. I see a turbulence in our society with regard to whether or not people can undertake the desecration of the flag and then claim constitutional protections of freedom of speech. I would suggest to those who say that a constitutional amendment is a dangerous procedure, that to rely upon the legislative approach would simply continue this controversy and this agony that so many people feel, a very distressful one.

The amendment of the Constitution is a very difficult process, very arduous. It requires approval of two-thirds of the Members of the Congress, both the House and Senate, and three-quarters of the States, and so it should be. But I believe, Mr. President, that it is a proper response to the decision of the Supreme Court and will ease the agony that so many people feel in their heart at this time.

Mr. President, I rise today in support of Senate Joint Resolution 180, a proposed constitutional amendment to protect the American flag from physical desecration. I commend Senators DOLE and DIXON for bringing together a bipartisan group, constituting a majority of the Senate, in support of this amendment.

The Supreme Court's decision permitting desecration of the flag has both enraged and divided the American people. I do not believe this case poses a choice between the first amendment and protection of the dignity of our flag. Americans are free to criticize our Government and our Gov-

ernment's policies—that is a fundamental right we are vigilant to safeguard. Protecting that right does not mean we must or should permit any conduct no matter how offensive or destructive.

This amendment focuses on specific conduct—desecration of the flag—and does not prohibit or impede the expression of any idea or view. We do not lightly propose an amendment to the Constitution, and the amendment process is appropriately arduous. This amendment is, however, a proper response necessary in light of the Supreme Court's decision.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I am also very pleased to cosponsor this resolution proposing an amendment to the Constitution to protect the flag of the United States. Obviously, my reason for doing so is because I disagree with the Supreme Court decision of *Texas versus Johnson*. If I thought we could correct this decision by statute, I might prefer that, rather than a constitutional amendment.

However, in the final analysis, I do not think that we are going anything extraordinary here, because I think we should remember that this is not the first time that a Congress of the United States has responded to a Supreme Court decision by proposing a constitutional amendment to change that decision.

I think the second thing we want to remember is that the Supreme Court spoke on this very important issue by just the barest of margins, 5 to 4.

The First Congress added the first amendment to the Constitution to ensure that robust, yet reasoned, debate take place on the issues of the day. Even speech that is outrageous or that questions the very foundation of our Republic, or that is just out-of-sync with the vast majority of the American people, is in fact, and ought to be, protected by the first amendment.

And, subsequent decisions by the Supreme Court have determined that even some conduct or gestures in conjunction with speech, should enjoy the protection of the first amendment.

Make no mistake about it, there should be no restrictions on the legitimate free speech rights of Americans, and this includes the right of individuals to advocate views with which a majority of Americans do not agree, or even to the point where the person speaking that point of view may be the only one out of 240 million people who believes that point of view.

However, the Founding Fathers did not mean that "anything goes" when the issue of speech is involved. In *Chaplinsky versus New Hampshire*, the Supreme Court in 1942 stated that even "fighting words are no essential part of any free expression of ideas, and are of such slight social value as a

step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."

Again in *Chaplinsky*, the Court determined that there is no constitutional protection for the "lewd and obscene, the profane, the libelous, and the insulting or 'fighting words'—those which by their very utterance inflict injury or tend to insight an immediate breach of peace."

Although the flag is, indeed, an object, it is not just another piece of cloth or fabric or just another identifying banner. To think of it as such is to trivialize that flag.

We are here to state that the flag of the United States should be protected against physical desecration. However, we are not here to consecrate that flag because there is nothing that this body can do to bring more meaning to the flag than the acts of those people who, in over 200 years, have shed their blood in the defense of that flag. There is nothing we can do here that can substitute for their sacrifices.

But, we can legitimately say something about the physical desecration of the flag so that we do not detract from its consecration over the past 213 years.

The flag is the unique symbol and manifestation of our nationhood. Clearly, the free speech clause does not protect those who desecrate the flag, especially when their conduct results in inflaming the passions of Americans who have risked their lives in order that this Nation remain—not only independent and whole—but true to the ideals of freedom and liberty that are contained in the Declaration of Independence and the Constitution.

I also believe that when we allow the flag to be burned, we insult those who in the defense of these ideals have made the ultimate sacrifice.

Finally, I would like to read the remarks of Jim Bethard of the little town of Clermont, IA, who spoke during a Memorial Day commemoration in 1895.

Mr. Bethard was a veteran of the Civil War. In 1862, he answered President Lincoln's call for 600,000 volunteers and entered the war as a private. In 1865, he was mustered out at the same rank of private.

Jim Bethard said:

With the succession of moving and strongly contrasting events that compose the history of a Nation's life, the national flag is so closely associated as to become, in men's minds, the emblem and visible presence of the Nation, personified.

It floats tranquilly over the turning points of battles which determine the Nation's existence, crowning its triumphs, gracing its festivities, draping its halls of legislation and justice, drooping in its defeats, and shrouding the dead bodies of its heroes.

If, like a mirror, the flag could reflect the scenes it has beheld, if it could reflect the voices it has heard, it would reproduce the

history of the past and the prowess of individuals in endless detail.

*** It is proper *** [to inculcate] a spirit of patriotism and love for the old flag in the hearts of the young, the coming men and women, for in a republican form of government the loyalty of its people is the only guarantee of its perpetuity.

It has been truly said that eternal vigilance is the price of liberty *** then let us be vigilant and not miss an opportunity to teach lessons of patriotism and love of the old flag and the institutions it represents to those who are shortly to become its guardians.

This year, the Supreme Court lowered the flag of which Jim Bethard spoke so eloquently 94 years ago. I believe that an amendment to the Constitution to protect the very same flag is in order.

I urge my colleagues in the Senate to support this amendment.

Mr. HEFLIN. Mr. President, I rise today in support of both the constitutional amendment and the statute which will prevent the desecration of the American flag. As an original cosponsor of these bills, I urge my colleagues to join me in protecting the sanctity of this symbol of our great Nation. As I have said before on the Senate floor, I feel that the Supreme Court's decision in *Texas v. Johnson*, No. 88-155, slip op. (U.S. June 21, 1989), incorrectly places flag burning under the protection of the Constitution. In my judgment, it is our responsibility to start the process to reverse this decision and return the flag to the position of respect it deserves.

Few people would disagree with the argument that the American flag stands as one of the most powerful and meaningful symbols of freedom ever created. In the dissent in *Texas versus Johnson*, Chief Justice Rehnquist states in his opening paragraph, "For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way *** Johnson did here." *Id.*, slip op. at 1 (C.J. Rehnquist dissent). Justice Stevens calls the flag a national asset much like the Lincoln Memorial. He states that, "Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag." *Id.*, slip op. at 3-4 (J. Stevens dissent). I must agree with Chief Justice Rehnquist and Justice Stevens in their belief that the flag should be protected from such desecration. However, I believe that the flag also has a tangible value. I feel that the Court could have expressed an opinion that would have allowed protection to both values, for in this case, the flag was stolen.

The flag holds a mighty grip over many people in this country. Its mystical appeal is as unique to every person as a fingerprint. Each person's feelings

about the flag begin at an early age and are continually shaped and reinforced throughout their lives. Early school days began this process as children stood by their desks saying the Pledge of Allegiance and beginning classes with the words "with liberty, and justice for all." The power of the flag grows as the flag becomes a common part of life. From Veterans Day parades where veterans proudly march through the streets holding high the flag they valiantly protected in battle to the singing of the "National Anthem" at special events, honoring the flag becomes an integral part of our lives.

Thousands of Americans have followed the flag into battle and thousands of these Americans have left these battles in coffins draped proudly by the American flag. Nothing quite approaches the power of the flag as it drapes those who died for it—or the power of the flag as it is handed to the widow of that fallen soldier. The meaning behind these flags goes far beyond the cloth used to make the flag or the dyes used to color Old Glory red, white, and blue. The flag reaches to the very heart of what it means to be an American. It would be a tragedy for us to allow the power of the flag to be undermined through the legal desecration of that flag. Allowing the legal burning of that flag creates a mockery of the great respect so many patriotic Americans have for the flag.

JUDICIALLY WRONG

As I have stated before, I feel on many different levels that the Supreme Court's decision was wrong. I feel it was wrong for me personally, it was wrong for patriotism, it was wrong for this country, but perhaps most importantly, this decision was judicially wrong.

I want to emphasize that although I am a strong believer in first amendment rights, I recognize that first amendment rights are not absolute and unlimited. There have been numerous decisions of the Supreme Court that limit freedom of expression.

In a landmark case reflecting the Supreme Court's long held belief that the Freedom of expression is not absolute, the Court in *Schenck v. United States*, 249 U.S. 47 (1919), stated that "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic." Justice Holmes further stated that "The question in every case is whether the words [actions] used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." *Id.* at 52. Clearly the public outcry and indignation caused by the decision and the fisticuffs which have broken out over recent flag burning

attempts show that flag burning should not be protected by the first amendment. What if the flag burning had occurred in wartime? Certainly, a clear and present danger would be present.

Justice Stevens wrote in *Los Angeles, City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984), that "the first amendment does not guarantee the right to imply every conceivable method of communication at all times and in all places." *Id.* at 812.

There have been other decisions which show that if words or actions create danger either for individuals or for society, then these expressions do not fall under the protection of the first amendment. In the earlier case of *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942), the Supreme Court recognized that certain inherently inflammatory remarks or actions come within the class of "fighting words" which are "likely to provoke the average person to retaliation, and thereby cause a breach of the peace." *Id.* at 573. Moreover, the prevention and punishment of such have never been thought to raise any constitutional problem. Certainly, burning an American flag in front of patriotic American citizens can be taken to fall under the realm of fighting words. The Supreme Court should have held that the burning of an American flag amounts to symbolic fighting words and thus is not protected by the first amendment.

Arguments have been made that limitations on the freedom of expression refer only to cases involving bodily harm, however, the Supreme Court has recognized the need for individuals to protect their honor, integrity, and reputation when injured by libel or slander. See, for example, *New York Times v. Sullivan*, 376 U.S. 254 (1964) (providing standards regarding the libel of public figures); *Time, Inc. v. Hill*, 385 U.S. 374 (1967) (providing standards regarding libel of private individuals). These holdings protect an individual's honor from defamation. I see no reason why the honor of our flag should not be protected.

Arguments have also been made that limitations on free speech involve only civil suits. However, the Court has continually upheld criminal statutes involving obscene language and pornography. *New York v. Ferber*, 458 U.S. 747 (1982) (upholding a New York statute regarding child pornography), *Miller v. California*, 413 U.S. 15 (1973) (this case provides the current legal framework for the regulation of obscenity).

The U.S. Supreme Court has even upheld criminal statutes involving draft card burning. In *United States v. O'Brien*, 391 U.S. 367 (1968), the Court upheld the Federal statute which prohibited the destruction or mutilation of a draft card. In reaching this decision the Court expressly

stated, "[W]e cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea." *Id.* at 376. Certainly the people of America have a right to expect that the honor, integrity, and reputation of this Nation's flag should be protected. If draft card burning can be prohibited, surely burning the American flag can also be prohibited. Does a draft card have more honor than the American flag? Certainly not.

In an earlier decision involving the desecration of the flag, Chief Justice Earl Warren wrote in dissent in *Street v. New York*, 394 U.S. 577 (1969), "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * * However, it is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise." *Id.* at 605. In this same case, Justice Hugo Black dissented stating, "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." *Id.* at 610. I do not think that anyone can question that Hugo Black and Earl Warren were champions of the first amendment, but they recognized that the flag was something different, something special. The Supreme Court substantiated this view in *Smith v. Goguen*, 415 U.S. 566 (1974), when the majority of the Court noted that "[C]ertainly nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of the United States flags." *Id.* at 582-583.

Finally, I would like to quote from Justice Stevens' dissent in *Texas v. Johnson*, No. 88-155, slip op. (U.S. June 21, 1989), when he says about the flag: "It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other people who share our aspirations. The symbol carries its message to dissidents both at home and abroad who may have no interest at all in our national unity or survival." *Id.*, slip op. at 2 (J. Stevens dissent).

I am a strong believer that the rights under the first amendment should be fully protected and do not feel that amendments changing these rights should be adopted except in very rare instances. The Founding Fathers, in drafting article V of the Constitution, intended that it would be extremely difficult to amend the Constitution, requiring a two-thirds vote of both Houses of Congress and a difficult ratification process requiring the vote of three-fourths of the States. The history of this country shows that only 26 amendments to the Constitution have been adopted and only 16

after the bill of rights (containing the first 10 amendments) were ratified.

Why should we adopt a constitutional amendment? If I were convinced that legislative changes could correct this error of the Supreme Court, then I would not push for a constitutional amendment, but I strongly believe that legislative changes in flag protection statutes will be an exercise in futility. But nevertheless, I will support legislative changes. However, I do not think that we should wait to consider a constitutional amendment. I think we ought to pursue both now.

In my judgment, we must act to ensure that the American flag remains protected and continues to hold the high place we have afforded it in both our hearts and our history. The flag is indeed an important national asset which we must always support as we would support the country herself. I want to share with you the eloquent words of Henry Ward Beecher's work, "The American Flag," which expresses this sentiment.

A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth.

GADSDEN AMBASSADORS

When this case came up, I thought of an old story I heard that says a lot about the American flag. As you may know, Alabamians are very proud of our musical heritage and of the many outstanding performers from our State. One of these groups, the Gadsden Ambassadors, who are led by H.M. Freeman, has cut a record which includes a patriotic medley telling one man's story about the American flag.

It seems there was a man who visited a small town for the first time and talked to an old man sitting on a park bench. He told the story like this:

I walked through a county courthouse square one day. On a park bench, an old man was sitting there. I said, "Your courthouse is kinda run down."

The old man said, "Naw, it'll do for our little town."

I said, "Your flag pole has leaned a little bit. And that's a ragged old flag you got hangin' on it."

He looked at me and said, "Is this the first time you been to our little town?"

I said, "I think it is."

He said, "Have a seat son." So I sat down. He said, "We don't like to brag, but we're kinda proud of that ragged old flag. You see, we got a hole in that flag there when Washington took her across the Delaware. And she got powder burns the night that Francis Scott Key sat watching her and writing, 'O say can you see.' She got a bad rip down in New Orleans with Pakenham and Jackson tugging at her

seams. She almost fell at the Alamo beside the Texas flag, but she waved on though. * * * The south wind blew hard on that ragged old flag. On Flanders Field in World War I, she got a big hole from a burp gun. She turned blood red in World War II. She hung limp and low a time or two. She was in Korea, Vietnam. She went where she was sent by her Uncle Sam. Yeah, her flag waved on the ships upon the briny foam. But now she's about to quit waiving back here at home. In her own good land here, she's been abused. She's been dishonored, denied, burned, refused. And the government for which she stands is scandalized throughout the land. Yeah, she's growing threadbare and she's wearing thin, but she's in good shape for the shape she's in. Because she's been through the fire before, and I believe that she can take a whole lot more. So we raise her up every morning; we take her down every night. Naw son, we don't even let her touch the ground. We fold her up just right. On second thought son, I do like to brag. Because, I'm mighty proud of that ragged old flag."

Mr. DeCONCINI. Mr. President, I am pleased to be a cosponsor of the constitutional amendment that will protect the integrity of our flag. Our flag is the living symbol of our great Nation. We must protect that symbol, keep it alive.

Our flag is as old as our country itself. She has served to unify our separate States, and has represented our national sovereignty around the world. During the American Revolution, she announced to the world the independence of the United States of America. She survived our Civil War. Our American soldiers raised her at battlefields during the First and Second World Wars. The American flag represents our achievements, our dreams, the hope for peace of not just our citizens but of people everywhere.

We have taught our children, as we were taught, to respect our great flag. We have taught our children to stand when she is raised, to lower her at sunset and during storms, to never let her touch the ground. We must continue this great tradition of respecting this most important symbol of our Nation. Three of the Supreme Court Justices dissenting in Texas versus Johnson recognized, in Chief Justice Rehnquist's words, that "millions and millions of Americans regard [the flag] with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have."

Our Constitution, like our flag, has survived for generations. And to ensure that she will continue to survive, we undertake the task of amending the Constitution cautiously. But protecting our flag from physical desecration is so important that a constitu-

tional amendment is justified. In fact, our Constitution would in no way be weakened by an amendment that specifically protects this country's flag. A constitutional amendment will offer the appropriate protection that our flag so rightfully deserves.

Mr. DANFORTH. Mr. President, I am proud to be a cosponsor of the resolution offered by Senators DOLE and DIXON proposing an amendment to the U.S. Constitution to allow the Congress and the States to prohibit the physical desecration of the flag of the United States. The flag is the most significant symbol of our Nation and the fundamental values that are the foundation of our Republic. The recent Supreme Court decision is Texas versus Johnson protecting the burning of the flag as free speech has rightly outraged citizens throughout this country.

I am a strong believer in the right of each individual to dissent and to express his views without regard to their popularity and without fear of governmental retribution. Such freedom of speech is indeed central to our democracy. But burning the flag is not speech; it is the destruction of property that every American in a sense owns. Because the flag represents our Republic and its fundamental values, every citizen has an interest and a stake in its protection. An individual may own a particular flag, but that does not give him the right to mistreat or destroy it. As Chief Justice Rehnquist noted in his dissent in Johnson, our society has long recognized that the flag is a special kind of property and that ownership of a flag brings with it special responsibilities.

To allow the ruling of the Supreme Court in Texas versus Johnson to stand uncorrected would undermine respect for the Constitution and the rule of law. The American people will not stand for a constitutional principle so removed from the common sense experience of ordinary life as to turn an act of vandalism into a high-minded form of political speech protected by the Constitution. As the outrage and years of strife following the Supreme Court decision in Roe versus Wade have shown, when the Court stretches the Constitution to create rights with no basis in the actual words of that document, public respect and confidence in the judiciary and the Constitution itself are damaged.

Mr. President, I take the process of amending the Constitution very seriously. Such action should never be taken lightly. However, given my concerns regarding the dangers inherent in the Supreme Court decision, I believe that some corrective action must be taken. A number of possible solutions have been suggested, including a revision of existing flag desecration statutes to meet the concerns raised

by the Supreme Court in Texas versus Johnson. My own reading of the Johnson decision, however, convinces me that anything short of a Constitutional amendment will not be effective in protecting the flag.

The amendment process will not be a quick one. Nor should it be. Careful deliberation is called for in matters of such importance. Introduction of this resolution, however, is an important first step. I commend President Bush for his leadership on this issue and I urge my colleagues to devote their energy and thoughtfulness to a careful consideration of this amendment. The country and the Constitution deserve no less.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

THE RIGHT TO EXPRESS AN OPINION

Mr. KERREY. Mr. President, I rise today to express my thoughts concerning the June 21, 1989, Supreme Court decision known as Texas versus Johnson, in which the Supreme Court protected the right to express an opinion by burning an American flag.

At first I, like most Americans, was outraged by the decision. It seemed ridiculous to me that flag burning could be a protected act. My anger grew when I watched a replay of the 1984 incident, which also included the expression of derogatory chants and epithets against the United States of America.

I joined with 96 other Senators expressing our disagreement with the decision. As I prepared to head home for the Fourth of July recess, I declared my disbelief at our apparent impotence in protecting this symbol of American freedom.

Then, during the recess, I read the decision. Mr. President, I was surprised to discover that I agreed with the majority. I was surprised to discover that I found the majority argument to be reasonable, understandable, and consistent with those values which I believe make America so wonderful.

Further, I was surprised to discover that after reading this decision my anger was not directed at Justices Brennan, Scalia, Kennedy, Marshall, and Blackmun who joined in the majority. Rather, it was the language of the dissent which angered me, particularly that of Chief Justice Rehnquist whose argument appears to stand not on 200 years of case law which has supported greater and greater freedom of speech for Americans, but on a sentimental nationalism which seems to impose a functional litmus test of loyalty before expression is permitted.

Today, I declare that I do not support any of the constitutional amendments which are being offered by my colleagues and friends as a necessary remedy to this decision. I will not yield in my belief that these amendments create problems rather than solving them.

Today, I am even skeptical about the need to pass anti-flag-burning laws at the State or the Federal level. Even this response seems more patronizing than necessary.

Today, I am disappointed that the strength of leadership shown by President Bush in his travels to Poland and Hungary was not shown here at home. President Bush did not stand before the angry and distressed mob to stop us in our tracks before we had done something we would regret. He did not offer words that calmed us and gave us assurance that the Nation was not endangered. Instead of leading us, President Bush joined us.

The polls showed support for a constitutional amendment and so the President yielded to his political advisers. Even though most Americans had not read the decision prior to being polled, even though they did not understand what is potentially at stake if our Bill of Rights was altered, the President chose the path of least resistance and greatest political gain.

I believe we should slow down and examine what it is we are about to do. I believe we should look at the decision carefully. And I believe if we do, we are less likely to conclude that action is even needed.

I believe that we should look first at the two States of the 50 States in this Nation that do have anti-flag-burning laws. Ask yourself how it is that Alaska and Wyoming have survived without such laws. Is it because they are less patriotic than the citizens of 48 other States? Is it because they simply were not aware of the great danger that exists to each of them if such laws were not passed?

Or is it because they simply recognize that no danger exists? Is it because they recognize there is already a sufficient amount of unwritten negative sanctions against flag burning without the need for the law makers to act further? I suspect it is the latter. I suspect that a law making it illegal to burn the American flag in Wyoming or Alaska is simply seen as unnecessary.

Mr. President, there is simply no line of Americans outside this building or in this Nation queuing up to burn our flag. On the face of the evidence at hand it seems to me that there is no need for us to do anything. The only reason to speak at all is to give credence to the cynical observation of H.L. Mencken who said: "Whenever you hear a man speak of his love for his country, it is a sign that he expects to be paid for it."

I also believe that a complete reading of the decision will yield the very strong impression that the court broke no new ground. Nor did it create any new rights, protections, or guarantees. Rather, it applied longstanding and settled principles of law to this specific case.

The Court's decision was the fifth since 1931 that found use or abuse of the flag to be a form of expression protected by the Constitution. The Court has long held that the first amendment applies to conduct as well as pure speech. Such conduct is protected if it meets two tests: First, if an intent to convey a particular message is present, and second, if it is likely that the message would be understood by those who viewed it, the conduct is protected, as the Court has held in the cases of students wearing black armbands, picketing, and attaching peace signs to the flag.

Not only has the Court protected such offenses as burning, it has also protected acts which commercialize this symbol of freedom and liberty. Mr. President, even the recent and, to many Americans, offensive act of the chair of the Republican National Committee is protected. I thought of the American flag when I saw the photograph of Mr. Atwater in Esquire magazine, clad in boxer shorts and a sweat-suit, rendering a right hand salute, a gesture normally reserved for the flag or those who fight to defend it.

I could not help but notice that President Bush is tolerant of these sorts of actions. For example, I heard no reprimand or anger when the Director of the Office of Management and Budget performed a similar stunt on the day that President Bush went to the Iwo Jima Memorial to impress upon Americans that we needed protection against the offense of flag burning.

Mr. President, America is the beacon of hope for the people of this world who yearn for freedom from the despotism of repressive government. This hope is diluted when we advise others that we are frightened by flag burning.

John Stuart Mill, in his 1859 essay "On Liberty" offered three reasons that the expression of opinion should rarely be limited. First, the suppressed opinion might be right; its suppression might deprive mankind of the opportunity of "exchanging error for truth." Second, even though the opinion might be false, it may contain "a portion of truth," and "it is only by the collision of adverse opinions," each of which contains partial truth, "that the remainder of the truth has any chance of being supplied." Third, even if the opinion to be silenced is completely wrong, in silencing it mankind loses "what is almost as great a benefit as that (of truth), the clearer perception and livelier impression of truth, produced by its collision with error."

Mr. President, flag burning is clearly in the third category. It does not persuade us that the burner holds an opinion that is true. It persuades us that his opinion is untrue. And it gives

us the opportunity to see what true freedom and true patriotism is.

Patriotism means loving one's country. And like any kind of love, it is fundamentally a personal, even private act.

It is the patriotism of mothers and fathers who provide a loving environment for their children to grow to their full potential. It is the patriotism of the men and women who farm our farms, toiling tirelessly to make ends meet while producing food for the rest of us. It is the patriotism of teachers who put in the extra hours to help their students do better in school. It is the patriotism of our local police who go in harm's way to keep us feeling safe and secure.

It is the patriotism of nurses and doctors who help us heal. And it is the patriotism of all of us who pay our taxes, register to vote, contribute to church and charity, and love our country.

Finally, Mr. President, Chief Justice Rehnquist, in his disappointing dissent, asserts that men and women fought for our flag in Vietnam. In my case I do not remember feeling this way.

I remember that my first impulse to fight was the result of a feeling that it was my duty. My Nation called and I went. In the short time that I was there, I do not remember giving the safety of our flag anywhere near the thought that I gave the safety of my men.

I do remember thinking about going home and I remember why that home felt so good to me. I remember realizing how wonderful my mother and father were. I remember longing to be back in the old neighborhood. I remember most vividly on the night that I was wounded, with the smell of my own burning flesh in my head, that I knew I was going home, and how happy I was with that certainty.

America—the home of the free and the brave—is my home, and I give thanks to God that it is. America—the home of the free and the brave—does not need our Government to protect us from those who burn a flag.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended to permit me to address the Senate, and following my remarks that, in this order, Senators WILSON, GRAMM, and WARNER be recognized to address the Senate for 5 minutes each, and that upon the completion of Senator WARNER's remarks, the Senate then stand in recess until the hour of 2:15 p.m.

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

FLAG PROTECTION ACT—S. 1338

Mr. MITCHELL. Mr. President, I am pleased to cosponsor the legislation proposed by the chairman of the Judiciary Committee, the purpose of which is to make Federal law on the destruction of the American flag conform to the requirements of the first amendment.

This bill will ensure that the flag will be protected against physical destruction or abuse, for whatever purpose, with the appropriate penalties under law.

This legislation is what is needed to make certain that the Federal flag statute can withstand challenge by making the act of destruction itself the offense, rather than the purpose for which the act is carried out. The flag law would thereby punish vandalism against the flag, just as other, similar laws, punish vandalism against other national monuments.

The freedom of speech clause of the first amendment to the Constitution explicitly protects the right of all Americans to speak freely. It says nothing about actions. The speech provision of the Constitution protects the right of Americans to say things, but does not create a right to do things.

The Supreme Court has both limited and expanded the first amendment's protection.

As a limitation, it has imposed restrictions on some forms of speech. In the 1919 case of Schenk versus United States, Justice Oliver Wendell Holmes wrote that:

The character of every act depends on the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.

Those words represented a common-sense principle of behavior that is essential to preserve a civil society with free speech. Clearly, no first amendment right would today protect a statement by an airplane passenger that he was about to explode a bomb, even if his purpose was to call attention to his political views.

The Court has expanded first amendment protection to certain actions, even though the amendment itself specifically protects only speech. The Court has reasoned that certain actions are closely related to speech and should be regarded as a form of speech, particularly where political ideas are involved.

In those cases involving action—the Court calls it "symbolic speech" or "expressive conduct"—the Court balances the governmental interest in prohibiting the conduct against the burden placed on the individual by not permitting the conduct to occur.

In reaching that balance, reasonable people can, do, and have disagreed.

In the flag burning case itself, the Court divided 5 to 4.

In another case, a divided court ruled that homeless persons wishing to demonstrate their destitution could not sleep in the square before the White House. The Supreme Court said that sleeping was not a form of speech protected by the Constitution.

In another case, local statutes barring demonstration within a certain distance of foreign embassies have been upheld, because they do not unduly burden speech, and they serve valuable government purposes.

In my judgment, the principle applied in those earlier cases applies to the actions in the flag case.

The protesters were not denied the right to speak. They chose to burn the flag as an addition to that right, not as a substitute when speech was impossible or endangering.

The facts in the case are not in dispute. Gregory L. Johnson, apparently leading a group of demonstrators outside the 1984 Republican Convention, poured kerosene on an American flag and set a match to it, while his group chanted: "America, the red, white, and blue, we spit on you."

Those words, offensive as they are to me and the vast majority of Americans, are protected by the first amendment. To my knowledge, no one disputed their right to say those words. Nobody interfered with their right to speak freely. They were not prevented from speaking.

But they did not merely speak. They also acted. It was this action which was punished, not the speech.

Indeed, they may well have burned the flag in order to obtain the attention that their speech itself would not have garnered.

The first amendment may guarantee the freedom to speak. It guarantees nobody an audience for his words.

And if these protestors' purpose was to compel attention that their words alone could not attract, there is no constitutional obligation to provide that attention.

I agree with the dissent of Justice Stevens in this case, when he said, "The case has nothing to do with 'disagreeable ideas' * * * it involves disagreeable conduct * * *". Justice Stevens is right. The five-man majority of the Court is wrong.

Justice Stevens made the point succinctly:

Had [Johnson] chosen to spray paint * * * his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset.

The flag is also a national asset, although admittedly an intangible one.

We need not permit acts that undermine its value for all Americans in order to avoid burdening in slight fashion the speech rights of those who seek to be heard in the face of indifference, not persecution.

Every American has the right to speak freely and to dissent from the policies of the Government or from the orthodox and accepted views of the day. It is precisely that vast freedom that makes it so unnecessary to condone the desecration of the flag as a way to express dissent. The Court's decision is wrong and it should be corrected.

The Senate has already acted to provide that correction. It has unanimously approved an earlier version of this legislation. But because of the importance of the issue to so many of our people, a freestanding bill should be considered.

I have already set forth the proposed timetable under which the Senate will be able to give deliberate thought to the most appropriate way to correct this Court ruling.

The chairman of the Judiciary Committee has consulted with constitutional scholars on the validity of this approach. Scholars whose personal views on the ruling in question vary have given it as their considered opinion that this legislative approach now being introduced would serve to resolve the issue.

I hope that the course of the hearing, which the Judiciary Committee is committed to holding in September, will reassure all Americans that this legislation represents a full, adequate and sufficient response to the narrowly drawn ruling in *Texas versus Johnson*. I believe it does so, and I am glad to cosponsor it.

THE PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. WILSON], is recognized for a period not to exceed 5 minutes.

Mr. WILSON. Mr. President, 44 years ago, 6,000 courageous U.S. marines sacrificed their lives in attack upon Iwo Jima which culminated in the raising of the American flag on Mount Suribachi.

Just 5 weeks ago, on June 21, 1989, the U.S. Supreme Court decided by a 5-to-4 vote that those who burn or otherwise desecrate the American flag have a constitutionally protected right under the first amendment to do so.

Mr. President, I profoundly and emphatically disagree.

What is more, I do not think that those of us who do disagree can simply shake our heads in dismay and passively suffer such acts which insult the memory, the courage, and sacrifice of better men who ironically have laid down their lives protecting the freedom of even contemptible ingrates who abuse it.

But we seem to be of three minds on this floor. There are those of us who

are outraged and think that the act of flag burning and desecration should be prohibited, in some cases think that it should be prohibited by an amendment to the Constitution of the United States which makes it clear that the protections of the first amendment do not extend to such acts. There are others who would prohibit flag burning by a statute. And there is a third group who think that we should show the strength of democracy and uphold our Constitution by simply ignoring the act.

Let us first address the debate that exists between those who support an amendment to the Constitution and those who propose a prohibition merely by statute.

To put the question most simply, Mr. President, there undoubtedly will be a continuing debate between constitutional scholars as to whether or not a statute will suffice for that purpose or whether an amendment to the Constitution is required. As long as that debate continues, it seems to me rather obvious that the simple resolution of it is to adopt the amendment and put an end to the debate.

Now, that leads us to the question of the wisdom of doing so, which again to put it simply has to do with what depredations will result from that amendment to the cherished first amendment rights of Americans.

Mr. President, I fervently believe that the right of free speech given Americans by the first amendment is the most important of all the rights established by the bill of rights. But the framers of the first amendment did so to protect the utterance of unpopular speech—speech critical of a government or its policies, or its laws or regulations—so that citizens who wished to protest what they saw as the unjust exercise of power by their government could do so without fear—knowing that their rights to express such opinions would be protected by the supreme law of the land.

God knows we all believe in that. No one is proposing that we diminish that most precious of American rights. Heaven knows I exercise it, and so do all Senators, almost daily on behalf of our constituents on the floor of the Senate.

But that is not what is at issue here. The framers of the first amendment did not intend that its protections should include all speech! The first amendment was not intended to license obscenity nor speech which poses physical danger to the public. The distinguished majority leader just quoted the time-honored, celebrated phrase of the great Oliver Wendell Holmes who declared that the right of free speech does not give an individual the right to yell "fire" in a crowded theater.

And in the case of flag burning, we are not dealing with speech at all, but

rather, with the physical act of desecration of the unique symbol of America, of all our history and aspirations as a free people. The distinction between speech, oral or written, and the symbolic act of burning the flag, America's unique national symbol, should be obvious.

However tasteless it might be to speak ill of the dead, no one doubts that such speech is protected constitutionally by the first amendment. But would anyone suggest that the first amendment protections should be extended to exonerate someone who enters a cemetery and physically defaces a headstone with a hammer and chisel or a can of spray paint? Of course not.

If we were to accept the implicit rule of the Supreme Court majority in the flag burning case, is there any action which could not be legitimized as free speech by the mere assertion that the act is intended as political protest or dissent?

Under so fatuous a rationale, it appears that even an act of treason could be dignified as political dissent entitled to the protections of the first amendment.

I submit that so liberal a construction of the first amendment would make its framers shudder in their graves.

I say that it is not necessary to protect freedom of speech, be the speech or writing in question be legitimate criticism of government or nonsense, popular opinion or a distinct minority view.

I say that the framers who felt so passionately that free speech must be protected would have rejected in outrage so tortured a construction of the first amendment.

And I say that those same farmers, to whom we are indebted down to this generation for the priceless legacy of individual freedom, were entitled to expect that we would respect it as well.

Liberty is not license.

The wide latitude America has accorded individual freedom does not require that it be utterly unbounded by any reasonable limits of decency and responsibility.

To the contrary, to keep faith with those who left us the priceless legacy of the Bill of Rights at such great cost, we must in decency meet our responsibility to set altogether reasonable and justified limits upon the abuse of the first amendment.

And indeed the courts have upheld laws which prevent hate groups like the Ku Klux Klan from such symbolic acts as burning crosses.

It is even a Federal crime to deface a U.S. Government mail box or to burn a dollar bill.

It simply should be and must be against the law to burn or otherwise

desecrate the unique national symbol of America, the flag of the United States.

So, Mr. President, to those who agree that desecration of our national symbol should be prohibited, I say let us resolve the conflict between constitutional scholars by resolving all doubt or uncertainty as the adequacy of a statutory prohibition. Let us do so by adopting a precise constitutional amendment focused narrowly upon America's unique national symbol, the American flag.

I agree that amendments to the Constitution should not be undertaken except with great care. Proper care should be exercised and can be to properly maintain the dignity and integrity of the flag. To say that constitutional amendments require such care is no argument against taking necessary steps to prohibit desecration of the flag by a precise and carefully drawn amendment.

Such care has been exercised in the past, and wise—indeed precious—amendments have been adopted in other times when loud voices shouted, “ * * * not by amending the Constitution.”

Well, Mr. President, let me remind those who would appoint themselves the exclusive guardians of that magnificent charter and who righteously argue against its amendment, that had their argument prevailed in those other earlier moments in our history when America undertook to improve even the U.S. Constitution, and did in fact amend it, * * * why then, Mr. President, today women would not have the vote; some Americans would still own other Americans as slaves, and none of us, ironically, would be guaranteed any of those rights and freedoms given to us by the bill of rights and symbolized by the American flag.

AMENDING THE CONSTITUTION

Mr. GRAMM. Mr. President, I do not think today we are going to settle the issue about when the Constitution should be amended and when it should not. I remind my colleagues that at the founding of the Nation, Benjamin Franklin wrote the Post Office into the Constitution, but yet our founders refused to put in the Bill of Rights. We later came back and corrected that. We have amended the Constitution 26 times. The issue before us today is: Should we amend the Constitution to protect the flag?

Mr. President, I believe that we have to answer several questions. One is, is this an important enough issue? I believe it is. The flag is the symbol of the Nation. I can tell my colleagues, having spent 10 days back in Texas during July, the people in my State believe that we have an obligation to protect the flag. It may not be an im-

portant issue to those who see the world through a lens focused here in Washington, DC, but from Muleshoe to Beaumont in my State it is a very big issue. From young children to old veterans, it is something about which people feel very strongly.

Second, Mr. President, we have to ask ourselves if burning the flag is necessary to free speech. I think not. I believe in free speech. I think people have a right to jump up and express their opinions. If they want to set their britches on fire to call attention to themselves, as long as they do not set anybody else's on fire, they have a right to do so. But I do not believe that they have the right to burn the flag. I think we have an obligation to protect that flag.

Quite frankly, if a bill is brought to the floor to protect the flag, I intend to vote for it. But I am concerned, given the ruling of the Supreme Court, that no simple statute will stand up. It may well be that the Court would uphold a burning provision if it were applied to someone who started his fire every morning by burning the flag, saying, “I do that to get the fire started but I do not do it as any kind of form of free speech.” On the other hand, by and large our people do not do that. Mostly, flag burners are people who want to express a strong hatred for America and its institutions. So my guess is that we are going to have to protect the flag through the Constitution. I am in favor of doing that.

Finally Mr. President, I think we have an obligation to protect the Nation's symbol. I cannot see that the Nation is any poorer by it in terms of free speech. People will still be able to express their opinions, burn the President's picture, burn a map of the country or just jump up and down to seek attention. They simply will not be able to desecrate the flag.

Back home this is a big issue. I think people have a right to disagree. The people who oppose the constitutional amendment do not love the flag any less than I do, they simply have a difference of opinion. In my view, it is not free speech to burn the flag, and taking away the right of people to desecrate the flag does not limit their ability to say they hate America or its institution or its leaders. It simply protects a single symbol that is the embodiment of the country. I think it is vitally important we do that. I think the people want it done. I support it.

I yield the floor.

The PRESIDING OFFICER (Mr. Dixon). The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to express my appreciation to the distinguished majority leader who made possible the extension of this time. I also wish to commend him on his very thoughtful and incisive statement.

THE CONSTITUTIONAL ROUTE

Mr. President, I will address one aspect of this issue which I find absolutely fascinating. That is that every American has an opinion on this subject. It does not require a law degree. It does not require a college degree. It requires only an expression of the heart. That is why I want to see as many Americans as possible involved in deliberating on this decision. I want to accord to every American just as much responsibility as I have to make that decision.

That is the reason I favor so strongly the constitutional amendment, although I will support both. For the constitutional amendment does not require a simple majority here. To the contrary, the framers carefully stated that two-thirds of both Houses of Congress of the United States have to render their judgment. This decision is so important that it adds another element of insurance to have not a simply majority, but two-thirds to render a decision.

Then it goes on to the States. And it is not a rushed procedure. That is another element that is important. There is plenty of time under the constitutional route to ensure that we reach the right result.

Once it goes to the 50 State legislatures, there are no less than 7,461 State legislators, all of whom will have a vote in many respects just as important as the vote of a Member of the U.S. Senate.

I am privileged to represent in the Commonwealth of Virginia nearly 6 million people. As hard as I try, as much as I travel, and I enjoy it, I can meet and receive the views but a small fraction of those individuals. But the distinguished President of the Senate having come up through the State legislature knows himself the ease of accessibility of a State legislator. Why, citizens can forgo a visit to Washington to see me or to see the Presiding Officer, or go to the expense of a call or write. They can, right in their own backyard, ask their State legislator to come over, sit down and freely and carefully and thoughtfully discuss this issue.

Therefore, if we go the constitutional route, nearly 8,000 legislators, 535 in the Congress of the United States, and 7,461 in the State legislatures will bring to bear the judgment of all the people.

It is almost provincial that the Founding Fathers when they laid down this procedure foresaw there would be issues that would involve the totality of our Nation, and that could receive the expression of the opinions of everyone. That is why I think the wiser course of action is to go with the constitutional amendment.

I will give my strongest endorsement, and look forward to an act of

participation here on the floor of the Senate.

I support the distinguished Republican leader's legislation and President Bush's call for an amendment to the Constitution of the United States which would give Congress and the States the power to prohibit the desecration of the flag. I am proud to be an original cosponsor of this legislation.

Decisions are made by the Government on almost a daily basis which affect the citizens of this great Nation. Some of these decisions are popular, some are not, and some go unnoticed by vast groups of people. But, in this Nation's system of government, the people ultimately have the last word. Let them exercise their rights through a constitutional amendment.

Rarely do we witness a decision, as in the Supreme Court's ruling in *Texas versus Johnson*, that reaches the core of every individual's mind, heart, and soul. Schoolchildren who work to learn how to recite the Pledge of Allegiance sense that there is something wrong in burning the American flag.

Virginians feel very strongly on this issue and I am pleased so many are contacting me and providing their views.

I understand that my distinguished colleague from Delaware [Mr. BIDEN] has crafted alternative legislation which would prohibit desecration of the flag, short of amending the Constitution, through a statutory revision of the United States Code. While I will support both approaches to resolving this vital issue, I strongly prefer the constitutional amendment route.

Why? Because I believe the American people should have the greatest possible opportunity to speak out on this controversial issue and to participate fully in reaching the right solution.

The procedure to amend the Constitution, which was devised over 200 years ago, requires the participation of all 50 State legislatures. The Founding Fathers of our Nation wanted to protect these living instruments, our Constitution and Bill of Rights, and the more people who become involved, the more likely the result—amendment or no amendment—will be the proper solution. It will be the solution which not only protects our flag but our equally cherished right of freedom of expression of our individual views.

Although I will support action by Congress to enact a statute, we are only 535 Federal lawmakers compared to 7,461 State legislators. Therefore the constitutional amendment procedure demands the individual judgment of nearly 8,000 men and women rather than just 535 in Congress. This far greater breadth in number is insurance that our solution will be correct. Further, a far greater period of time, time for

careful reflection, perhaps several years, will be necessary to complete the constitutional amendment procedure. Is not this better than a brief debate in the Congress?

Through a constitutional amendment, the views of all Americans would be better reflected on this controversial issue. Citizens then will be able to participate in this decision at both the State and Federal levels.

People will not have to travel or call Washington to express their views; they can talk to their State legislator in their own back yards.

Let us make certain that constitutional scholars alone do not have the final word on this important issue—rather let Main Street America guide both their Federal and State legislators to a proper and balanced solution.

I urge my fellow colleagues to join the distinguished Republican leader and myself in cosponsoring this important legislation.

Mr. MACK. Mr. President, shock waves of concern and anger swept over our Nation as a result of the recent Supreme Court ruling permitting desecration of our flag. The American flag, emblazoned with its bold stripes and shining stars, has always been a symbol of freedom and democracy throughout the world. So many of our countrymen have fought and died in defense of our basic freedoms and our flag, that many Americans were stunned by the Supreme Court's approval of flag burning.

The Court's decision strikes at the heart of all we hold dear in this country. The flag is our most cherished symbol of liberty and is recognized throughout the world as an emblem of hope for those struggling for political freedom. The flag must be preserved and protected from willful destruction.

In past years, we have witnessed the steady erosion of basic American values. These values, including support of property rights, respect for families, and the appreciation of liberty, have suffered severe blows. Respect for the flag and all it represents is perhaps one of the final vestiges of these collective values. We must not condone the immorality embodied in the desecration of our flag.

I support President Bush's proposal for a constitutional amendment to protect the sanctity of the American flag. With such an amendment, we can uphold our first amendment rights provided under the Constitution while declaring clearly our reverence for and dedication to our greatest symbol of freedom—the American flag.

DESECRATION OF THE FLAG

Mr. McCLURE. Mr. President, I join my Senate colleagues today in calling for passage for a constitutional amendment which will allow the States to enact laws against desecration of the U.S. flag. In my judgment, the Supreme Court erred in its recent

decision and I agreed with the dissenting opinions of Chief Justice Rehnquist, Justices White, O'Connor, and Stevens.

The first amendment, of course, is the very cornerstone of American freedom. It is what separates the United States of America from other countries where citizens are simply not allowed to think or speak for themselves. The recent events in China serve as a good reminder as to what a truly amazing country we live in. Imagine! A nation that has survived over 200 years of self-criticism.

But, Mr. President, not every right in America is absolute and I draw the line at desecration of the flag.

I will defend to my last breath the right to criticize the Government and its policies. I do it myself nearly every day. However, I also believe the flag holds a unique position in our society and in the world which should afford it special consideration. As Justice Stevens said in his dissent:

It is more than a proud symbol of the courage, the determination and the gifts of nature that transformed 13 fledgling Colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

I can think of no other act which is apt to enrage citizens of this country more, during a protest situation, than desecration of the flag. In the case recently decided by the Supreme Court there was no violence but there very well could have been. Indeed, in recent weeks, there have been violent encounters over flag burnings. The cause of the violence was not the protest demonstration itself—it was the fact that the symbol Americans hold most dear was being destroyed. Just as no one has the right to cry "fire" in a crowded theater, no one should have the right to destroy the flag.

There are those who are critical of Congress for discussing a constitutional amendment to address this problem, saying that it is not a widespread problem. However, I don't think that is the point. The point is that the American people are absolutely outraged that the Constitution does not adequately protect the greatest symbol of the free world. The people of the United States have the ultimate responsibility at deciding if the Constitution should be amended. They are asking to exercise that right and I believe it is Congress' duty to answer the people's demand.

Mr. SIMON. Mr. President, as I mentioned the other day, we are in hysteria because one person burned a flag and now we want to amend the Constitution.

I happen to agree with the Supreme Court decision. But to change the Constitution because of one 5-to-4 decision does not make sense.

James J. Kilpatrick wrote a column on the flag issue that tries to put some rationality into this whole debate.

I urge my colleagues of the House and Senate to read Mr. Kilpatrick's column, and I ask unanimous consent to have it printed in the RECORD.

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

[From the San Francisco Chronicle, June 29, 1989]

THE FLAG WILL SURVIVE
(By James J. Kilpatrick)

President Bush is dead wrong in calling for a constitutional amendment to overturn the Supreme Court's ruling last week in the flag-burning case. Given the undisputed facts, the Texas law and the high court precedents, the case was properly decided. The defendant, one Gregory Lee Johnson, was engaged in a form of political "speech" that clearly merits protection under the First Amendment—and that precious amendment ought to be left alone.

The facts are now well-known. During the 1984 Republican National Convention in Dallas, demonstrators staged a march to protest policies of the Reagan administration. At some point in the march, one of the demonstrators stole an American flag and gave it to Johnson. In front of City Hall, "Johnson unfurled the flag, doused it with kerosene, and set it on fire." As the flag burned, the protesters chanted, "America, the red, white, and blue, we spit on you."

Johnson was arrested for violation of a Texas law governing "desecration of a venerated object." Specifically, he was charged with damaging the flag "in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action." Johnson was convicted and sentenced to a year in prison, but the Texas Court of Criminal Appeals reversed the conviction: "The act for which he was convicted was clearly 'speech' contemplated by the First Amendment."

Only once before has the U.S. Supreme Court faced the issue of defacing a flag as a form of political expression. In 1970, Seattle police arrested Harold Spence for "improper use" of the flag. Spence had affixed a large peace symbol to the flag and then hung the flag upside down. His purpose was to protest the invasion of Cambodia and the killing of students at Kent State. The court found the state law unconstitutional in the context of political protest.

A whole string of decisions supports the sensible theory that free "speech," in a political context, embraces free expression. There are limits. When such expression takes the form of vandalism, is in spray-painting a swastika upon a Jewish temple, the First Amendment accords no protection. If Johnson's flag-burning stunt had set off a riot, the old exception for "fighting words" might have sufficed to affirm his conviction. But there was no such disturbance.

In the context of political protest, flag burning is the expression of an idea. Justice William Brennan said: "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

I cannot argue with that proposition, but I am consoled by the thought that the flag itself, and the American ideals for which it stands, will survive the assaults of such con-

temptible maggots as Gregory Lee Johnson. In the wake of the court's opinion, presumably we will see more flag burnings, but these too will pass. If the press will ignore such odious demonstrations, their point will be lost. Meanwhile, our most cherished ideal—the ideal of freedom—will be maintained.

CONCLUSION OF MORNING BUSINESS

Mr. DIXON. Morning business is now closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:53 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

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), a perfecting nature.

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

(4) Moynihan amendment No. 268, to prohibit soliciting or diverting funds to carry out activities for which United States assistance is prohibited.

AMENDMENT NO. 268

The PRESIDING OFFICER. There will now be 20 minutes of debate on amendment 268, to be equally divided between the Senator from North Carolina and the Senator from New York, with a vote thereon to occur no later than 2:35 p.m.

Mr. MOYNIHAN. Mr. President, I thank the Chair for commencing this very brief, and I hope concise, summary of the arguments that were set forth yesterday on this matter.

I ask unanimous consent that the following distinguished Members of this body be added as cosponsors: Mr. BINGAMAN, Mr. INOUE, and Mr. KERRY.

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

Mr. MOYNIHAN. Mr. PELL and Mr. SARBANES, were original cosponsors.

Mr. President, this is simple legislation with a large purpose. The legislation is summarized in section 220(f). It says:

Prohibition on soliciting or diverting funds to carry out activities for which United States assistance is prohibited.

It simply says that the officers of our Government may not do indirectly what they may not do directly in consequence of a provision of law. We are not dealing with any past events. This statute can only apply to future prohibitions enacted by Congress and approved by the President.

We do not seek to limit the President's powers. To the contrary, owing to an amendment offered in the Committee on Foreign Relations by the distinguished Senator from North Carolina, this provision concludes:

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.

This, sir, far from being a limitation on the power of the President, is an effort to protect him against the overzealous and ill-guided subordinates; subordinates who would break the laws enacted by Congress and the President, in order to pursue objectives they think desirable but which cannot be in the context of a constitutional government and the rule of law.

Yesterday, we introduced a reading of the minutes of a high level meeting of the President in the White House—the President, the Vice President, the Secretary of State, the Secretary of Defense, and the head of the CIA—in which George Shultz, an honorable, careful man, spoke against a proposal to solicit money to carry out an activity for which Congress had denied funding. Mr. Shultz said that, on the advice of the now-Secretary, then Chief of Staff, Mr. Baker, that—and I paraphrase—"This, sir, is an impeachable offense." He had to say to the President, "You will be impeached, sir."

So our present arrangements have a gulf between doing nothing and impeaching the President. There is no restraint.

This is a simple, moderate measure which I hope will be adopted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, may I add one more point. I would like to record that this measure was adopted by a unanimous voice vote in the Committee on Foreign Relations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield to the distinguished Republican leader, Mr. DOLE, such time as he may require.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I have discussed this amendment with the distinguished author, Senator MOYNIHAN. There is no one I have greater respect for than the Senator from New York.

I have also discussed this amendment with Secretary Baker by telephone this morning as they were flying back from wherever they are flying back from. Anyway, they are on their way back. We discussed the amendment, along with Under Secretary Eagleburger, a few moments ago.

It is the feeling of the administration that this amendment is a bad amendment and should be defeated; it should not be a party-line vote; that it is almost certainly unconstitutional on several grounds.

I believe there is also a feeling that we are getting sort of used to dictating to the President what he can do or cannot do or do in foreign policy. And that is bad enough—bad enough for the President, bad enough for those who advise the President. But this amendment goes even further. It dictates to the President what he can and cannot talk about—not what he can do, but what he can talk about with another government. And it is not just the President. We were told by Secretary Eagleburger it could be somebody all the way down the line, somebody who had a conversation somewhere, as long as they were officials. It is not just the President. The amendment does not apply to just the President or high-ranking people or officers of the Government. Officers means anyone working for the Government.

As the Justice Department states in a letter it has sent to the distinguished majority leader:

This provision appears designed to prohibit * * * consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake.

That kind of restriction strikes me as bordering on the absurd.

The amendment is also dangerously vague.

Vague because it seeks to make a legal test of a phrase—direct effects—whose meaning is solely in the eyes of the beholder.

Dangerous because it imposes on those who might be seen in someone's eyes as failing the direct effects test not only political disapproval and censure—but up to 5 years in jail.

The message to the President, the Secretary of State and the other members of an administration is chilling: If there is the slightest doubt about how some Monday morning quarterback down the road will see your action, in light of the vague direct effects test—

then take no action. I am not certain we want to go down that road, either.

But even these are not the only serious problems with this amendment. It puts this Congress in the position of dictating, not only to the executive but to future Congresses, what should be the consequences of decisions by those Congresses to prohibit U.S. assistance to any country or group.

Finally, Mr. President, I would underscore what others have already said. This is a killer amendment. The President's senior advisers have notified us, formally and informally, that they will recommend a veto of this bill, if this amendment is part of it. And it was again repeated at noon. So I can assume maybe they are not bluffing. Nobody likes to throw a veto threat around because there is generally some way to work matters out. But if it stays as it is, I am advised that is not likely to happen.

Mr. President, as the earlier debate on this amendment makes clear, the objections to it go on and on. They are not partisan objections. They would apply no matter which party held the White House; should these provisions be enacted, they will straitjacket future Democratic Presidents, as well as the current Republican President.

I do not think the Senator from New York has many bad ideas, but this may fall into that category. Maybe just by accident, it may not be one of his better ideas.

As I have said, scholars tell us it is unconstitutional and it is a dangerous precedent. So I hope that we would take an objective look at the amendment and not have a party line vote because it is Republican and because Democrats control the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, as Senator MOYNIHAN's designee, I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished majority leader.

Mr. President, I rise in support of the Moynihan amendment. I commend the very able and distinguished Senator from New York for moving with this. This is a revised amendment from what was considered in the committee. It makes clear, of course, that the amendment applies in a wholly prospective way; in other words, it is setting standards for the future. And it also has made it very clear that it applies only to specific activities which have been prohibited. I think that is a very important change and improvement in the amendment from the way we had it worded.

It is very simple, Mr. President; that is, when a law, which, of course, involves the Congress and the Executive working together, prohibits certain

conduct, whether it is going to be possible for Federal employees to, in effect, circumvent that law. That is what we are trying to prevent from happening.

We will also achieve by this relieving the employees of the improper pressures to which many of them have been subjected in order to do this. This serves as a protection for the employee from being pressured into engaging in activities which clearly ought not to take place.

I commend the Senator for offering the amendment.

Mr. MOYNIHAN. I thank the able Senator.

Mr. MITCHELL. Mr. President, this amendment can be summed up in three words: Obey the law. That is what it says. Neither the President nor the Secretary of State nor any Member of the U.S. Government has the right or the authority to break the law.

Yesterday, in debate on this amendment, my good friend, the distinguished Senator from North Carolina, who opposes this amendment, said and I quote it—he is here now:

Congress has no constitutional power to prohibit a foreign policy which any President wishes to pursue. 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.

With all respect, I strongly disagree with that assertion. The President of the United States is as constrained by law as is every other American. The President must obey the law and Congress has authority to make the law.

This is a democracy, not a monarchy. The President is not a king.

What this amendment says is that the President cannot break the law, the Secretary of State cannot break the law, and no member of the executive branch can break the law.

It is simple. It is straightforward. And I cannot for the life of me see how anyone could suggest that it is dictating to the President to say simply and straightforwardly that he is subject to the restraint of law, as is every citizen in a democratic society.

Indeed, one might look at many of the other amendments that are pending to this bill to find far more intrusive actions with respect to the President's prerogatives. This does not do so. This is not reliving the past. It is explicitly prospective. It applies only to future laws and future actions under those future laws. And I believe, Mr. President, this is an important amendment, appropriate amendment, and a necessary amendment. And the President ought to welcome this.

He ought to say to the members of his administration: You all must obey the law. And no members of my administration will be asked to break the

law nor should any member of any administration be asked to break the law.

Ours is a democracy in which all citizens stand equal before the law up to and including the President.

Correspondingly, Mr. President, I urge the Members of the Senate to approve this amendment as a modes, reasonable, responsible effort to ensure that there will henceforth be compliance with law and members of the executive branch of this Government will not be placed in the intolerable position of having to choose between loyalty to their President and loyalty to the Constitution; being directed to do something which is illegal and thereby being asked to forfeit either their job or their integrity.

This says that, if the law prohibits an act, it is prohibited indirectly as well as directly. Administration and other officials of our Government will not be placed in the unseemly and intolerable position of being required to take actions which would violate the law directly if taken.

The amendment offered by my distinguished colleague from New York is important and necessary.

In brief, it says that no U.S. government official should provide money or otherwise try to convince another government or individual to do something barred by U.S. law.

It is disappointing that such an amendment should even need to be considered here on the Senate floor. However we cannot ignore the fact that the actions that this amendment would ban have occurred or appear to have occurred in the past. We cannot ignore the need to ensure that such activities do not occur in the future. We must work to restore the faith that was ruptured in the wake of the Iran-Contra scandal.

Trust is a crucial element of a democracy. We must trust our elected officials, trust that they will faithfully execute the laws as they so pledge upon taking office. Similarly, we must have faith that the members of our military and foreign service will uphold United States law.

For this reason, it is important to clarify some apparent confusion about the limits of the law pertaining to funding for foreign countries or activities overseas.

This amendment would resolve this confusion by stating that if Congress bars funds for a country or group, no U.S. official can solicit funds for that country or group from another source.

The Moynihan amendment also states that if Congress bans such assistance, no third party can receive U.S. funds intended to advance the activity for which U.S. assistance has been barred.

The amendment establishes a penalty for those who violate these provisions, but the penalties would apply

only to future prohibitions. There should be no misunderstanding that this amendment would only apply to efforts to circumvent laws passed in the future. It would not apply to existing U.S. law and would not apply to any actions that already have occurred.

In summary, the Moynihan amendment would ensure that U.S. officials do not circumvent U.S. laws prohibiting spending for activities abroad by urging another country to do what the United States cannot do or by giving money to another country to accomplish the goals banned by U.S. law.

The administration apparently opposes this amendment. I am troubled by this opposition. Does the administration feel it has the right to circumvent laws duly passed by Congress?

I would hope that the Bush administration would want to allay lingering congressional concerns about the uses of foreign assistance and respect for legal restrictions on U.S. activities overseas. Senator MOYNIHAN has done his best to accommodate the administration as he seeks to prevent future circumvention of laws that prohibit spending for activities abroad.

The Senate Foreign Relations Committee already had adopted by voice vote similar amendments. As modified by the senior Senator from North Carolina, these provisions were incorporated into the State Department authorization bill.

Senator MOYNIHAN withdrew those provisions at the request of Senator HELMS, agreeing instead to combine them and offer them as one amendment.

My distinguished colleague from New York has further modified his amendment to address specific administration concerns. His effort is an important one which I fully support. We must prevent the further erosion of trust between the Executive and Congress. We must prevent the circumvention of U.S. law prohibiting spending abroad.

I urge my colleagues to support the Moynihan amendment.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes and 19 seconds.

Mr. HELMS. Mr. President, I yield myself such time as I may require.

Mr. President, the opposition to this amendment can be summed up in three words: Obey the Constitution.

Mr. President, it is important to recognize that both the Department of State and the Department of Justice have sent word in writing in which they say that they will recommend to the President a veto of this bill if the Moynihan amendment, even the revised Moynihan amendment, is adopted as a part of the Foreign Relations Authorization Act. So it boils down to this: Do colleagues want a veto or do they want a bill?

The President is going to veto this bill. I talked to his people on Air Force One early this morning. I think I know what is going to happen if this amendment is sent to the President.

If Senators want a veto, fine, go ahead and adopt this amendment, make it a part of this authorization bill. But do it knowing that this amendment will bring down the bill, if it is adopted.

Why is the administration, and all the rest of us who oppose it, so adamant? The answer is that the amendment is a clear, bald effort to usurp the foreign policy prerogatives of the President of the United States in a manner not provided for in the Constitution. When it comes to policy questions, Congress has only the power of the purse. This is what I said yesterday, and I repeat it because constitutional authorities far brighter than I am have assured me that this is the case. If it takes U.S. Government funding to pursue a Presidential policy, Congress can effectively stop it. But that is all Congress can do unless we want to get into the area, as Senator DOLE has just described, where everybody is scared to death to do anything to try to implement a policy.

Let us not kid ourselves. This is a revisiting, a making permanent of Iran-Contra. Ronald Reagan tried to prevent a takeover of Central America by the Soviet Union. He was fought every step of the way by the Congress of the United States and now we have Nicaragua sitting down there, thumbing its nose at us.

If the President can execute the policy without calling on the U.S. Treasury, then the Constitution puts up no barrier. I would like any Senator to point out a barrier specified in the Constitution.

This amendment does two things: First, it imposes criminal penalties on the U.S. Government employees who solicit funds from foreign or domestic entities for carrying out the same or similar activities for which U.S. assistance is prohibited by law.

Good Lord, Mr. President, if Franklin Roosevelt has had to labor under this kind of inhibition, he would not have been able to prosecute World War II. It might have been lost.

Second, this amendment prohibits all foreign assistance to a third party, a foreign country or any other entity, if that assistance would have the effect of furthering the same or similar activities for which U.S. assistance, that is, Federal funds, are prohibited by law.

I can understand the frustration of some Senators when the President pursues policies which are perfectly permissible under the Constitution, but with which the Senators disagree. Yes, Congress can cut off the funds. Congress has done that repeatedly and

just about destroyed our efforts in Central America. However, Congress cannot cut off the policy if it is accomplished without U.S. Government funds.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 58 seconds.

Mr. HELMS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator will be advised that his time will continue to run.

Mr. HELMS. That is fine.

Mr. COHEN. Mr. President, may I ask who else has any time left other than the Senator from North Carolina?

The PRESIDING OFFICER. All time is expired except that which is controlled by the Senator from North Carolina.

Mr. HELMS. I yield the remainder of my time.

Mr. MITCHELL. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—57

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|-----------|-------------|-------------|
| Adams | Durenberger | Metzenbaum |
| Baucus | Exon | Mikulski |
| Bentsen | Ford | Mitchell |
| Biden | Fowler | Moynihan |
| Bingaman | Glenn | Nunn |
| Boren | Gore | Pell |
| Bradley | Graham | Pryor |
| Breaux | Harkin | Reid |
| Bryan | Hollings | Riegle |
| Bumpers | Inouye | Robb |
| Burdick | Johnston | Rockefeller |
| Byrd | Kennedy | Rudman |
| Cohen | Kerrey | Sanford |
| Conrad | Kerry | Sarbanes |
| Cranston | Kohl | Sasser |
| Daschle | Lautenberg | Shelby |
| DeConcini | Leahy | Simon |
| Dixon | Levin | Specter |
| Dodd | Lieberman | Wirth |

NAYS—42

| | | |
|-----------|----------|----------|
| Armstrong | Cochran | Gorton |
| Bond | D'Amato | Gramm |
| Boschwitz | Danforth | Grassley |
| Burns | Dole | Hatch |
| Chafee | Domenici | Hatfield |
| Coats | Garn | Heflin |

| | | |
|-----------|-----------|----------|
| Heinz | Mack | Roth |
| Helms | McCain | Simpson |
| Humphrey | McClure | Stevens |
| Jeffords | McConnell | Symms |
| Kassebaum | Murkowski | Thurmond |
| Kasten | Nickles | Wallop |
| Lott | Packwood | Warner |
| Lugar | Pressler | Wilson |

NOT VOTING—1

Matsunaga

So the amendment (No. 268) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 277

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 277.

Mr. GORE. Mr. President, I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, between lines 18 and 19, insert the following:

SEC. 153. RESTRICTION ON POLITICAL APPOINTMENTS TO KEY POSTS.

(a) FINDINGS.—The Congress finds that—

(1) the United States must increasingly rely upon the professionalism and expertise of its diplomatic service to promote military, political, and economic objectives on which the national security of the United States depends;

(2) the practice of filling ever larger numbers of ambassadorial and key State Department posts with political appointees is undermining the Foreign Service as an instrument of American foreign policy;

(3) other major states do not engage in the practice of undermining their professional corps of diplomats for the purpose of granting political favors or of ensuring loyalty to the political line of the governing party;

(4) this practice has reached the point of causing the Foreign Service to curtail prematurely the careers of increasing numbers of its finest diplomats; and

(5) the range of political appointments to civil service positions has not generally exceeded ten to twenty percent, while the number of political appointments to ambassadorial and key State Department posts has reached as high as approximately forty percent.

(b) POLICY.—(1) Therefore, except in extraordinary cases where the President finds that a non-Foreign Service officer candidate possesses unique skills and information directly pertinent to the post to which he or she is to be assigned, and that the Foreign Service, as certified in writing by the Director General of the Foreign Service, does not have an equally qualified candidate for the same post in its active ranks, it shall be the

policy of the United States that the President will not nominate persons from outside the career Foreign Service to more than 15 percent of all ambassadorial and key (Deputy Assistant Secretary and above) State Department posts.

(2) The Congress intends that the policy described in paragraph (1) shall be enforced through natural attrition in the course of the term of the present President.

On page 3, after the items relating to section 152, insert the following new item: Sec. 153. Restriction on political appointments to key posts.

Mr. HELMS. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I believe there is a pending amendment. The amendment is out of order unless that is set aside; is that not correct?

The PRESIDING OFFICER. They have been set aside and can be brought back only on proper motion.

Mr. HELMS. In that case, for the time being, since all I have to do is call for regular order, which I will not do, I suggest the absence of a quorum while I discuss it.

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 further proceedings under the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I am going to call for the regular order.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The regular order is the Grassley amendment to the Helms amendment.

Mr. HELMS. That is correct. Now, Mr. President, I ask unanimous consent that the Grassley amendment be set aside temporarily so that the distinguished Senator from Tennessee can call up his amendment. I want to get this show back on track.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. We need to set aside the Grassley and the Heinz amendments. Is there objection to the request?

Mr. HELMS. Just add that. That is fine.

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

Mr. HELMS. Mr. President, I wonder if I might ask the Senator from Tennessee if I could see his amendment.

Mr. GORE. Certainly.

Mr. President, if the Senator from North Carolina will yield, we sent out a notice of it and the text of it will be immediately available to the Senator from North Carolina.

Mr. HELMS. The Senator is most gracious, and I appreciate it.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. HELMS. Mr. President, I think we ought to have order out of courtesy to the distinguished Senator from Tennessee.

I will not proceed until we do have order.

Mr. PELL. Mr. President, I would join in suggesting the Senate is not in order.

The PRESIDING OFFICER (Mr. REID). The Senate will be in order.

The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, may I inquire as to whether or not after the unanimous-consent request of the Senator from North Carolina the amendment which I earlier sent to the desk is now pending?

The PRESIDING OFFICER. It is now pending.

Mr. GORE. Has the reading of the amendment been dispensed with?

The PRESIDING OFFICER. It has been.

Mr. GORE. Mr. President, I would not like to move to a debate on this amendment. But before doing so I would like to thank the senior Senator from North Carolina for his courtesy in asking unanimous consent that the regular order of business be set aside temporarily so we might consider this amendment at this time.

This amendment is entitled "The Professionalism In Diplomacy Amendment." At the outset, I want to acknowledge that Democratic administrations and Republican administrations have both been guilty of going outside of the ranks of professional diplomats to a degree that is not wise where the Nation's interest is concerned. This amendment is not solely directed at the well-publicized practice in the current administration of making political appointments to very important foreign policy posts. I believe, however, that the degree to which political appointments are being made now is in fact unprecedented, and it is for that reason why I think the argument in favor of this amendment is far more compelling than it has ever been.

What is the national interest involved here, Mr. President? Well, to begin with, it seems obvious from the news every day that our Nation is increasingly part of an interdependent global economy. Our national interest must be pursued through the wise management of our international relations between the United States and other countries. No other country in the world uses the system of campaign contributions as the way of determining who is going to receive important ambassadorial appointments, or important appointments in the conduct of our foreign policy.

We can no longer afford to allow this practice to continue. Let me ac-

knowledge what we all know; that is, that there have been many appointments in the past, both by Democratic Presidents and by Republican Presidents, of individuals whose most salient credentials for the post involved seemed to be political support for the incumbent, and some of those appointments have turned out to be excellent because they have done a good job.

But, Mr. President, there have also been more examples of individuals who were appointed primarily for political reasons or primarily because they made campaign contributions, and their services turned out to be disastrous.

What I am saying in this amendment is that we have reached the point where we really should not conduct our business overseas in this manner any longer. We have a body of people who have built up experience, who are knowledgeable about the various countries of the world, who are trained in the Foreign Service, and we ought to draw upon their ranks for the people who do the job they have been trained to do.

All of us have been uneasy because of a series of candidates for ambassador posts recently that made us uncomfortable. We also know that the practice of making political appointments has now penetrated very deeply into the Department of State, down even to the Deputy Assistant Secretary level.

This morning in one of the Nation's newspapers our colleague from Maryland, Senator SARBANES, was very thoughtful in his statements about this practice. And that same article discussed the example of a person who evidently went shopping around for countries where she wanted to be ambassador, and she wanted to check the school systems in different countries to see what kind of education her children would get before she decided which country she wanted to go to represent the interests of the United States of America.

Is that a way for us as a nation to decide who is going to conduct the Nation's business in whatever country she decides is suitable for her family and her lifestyle? I do not want to single this particular person out. The problem is not one of personalities.

The problem is one of political abuse. As I say, it has been bipartisan in the past. It is unprecedented today, and it should not be allowed to continue.

Political appointments among Ambassadors has fluctuated to levels as high as 40 percent. This leads to the degrading spectacle of senior Foreign Service officers walking the halls of the Department without any assignments whatsoever. It leads to early retirement of scores of officers who have become vulnerable under the upper out principle precisely because they

were the hard chargers and they reached the highest levels of merit and performance earlier in their careers only to find that somebody else had made large political contributions, and even though the other candidates for that post had absolutely no experience whatsoever either in foreign policy or in the countries involved purely for political reasons they were given preference.

It has an impact all the way down the system by retarding the ability of career diplomats to advance since the top positions are also heavily occupied by political appointees.

This amendment would allow political appointments to continue. But it would put some boundaries on the practice. It would limit the practice. As I said before, no other major power does this kind of damage to its diplomatic service. We cannot afford to any more.

Every one of us knows that the United States is now far too dependent upon the expert management of its foreign relations to water down our approach with amateurs, hacks, people who bring absolutely nothing to the job but their political ties to the President.

As I said before, some such individuals have in the past turned out to do a good job. But that has been the exception. Hard statistics about this problem are difficult to find but as best I can determine, in the ranks of the senior civil service the average level of political appointment is somewhere between 10 and 20 percent.

So to be perfectly frank, I split the difference in this amendment and picked the 15 percent upper figure for a political appointment to ambassadorial positions and to departmental positions from the level of deputy Assistant Secretary and up.

I know there is a need for Presidents to have some number of slots for persons of high ability who are also dedicated to a President's particular view of policy.

Fifteen percent of the assignments should do that. But if not the President can attest under this amendment that he or she has a candidate of extraordinary qualifications providing that the Director General of the Foreign Service also attests that the Foreign Service has absolutely no one better, or the President can simply choose that someone within that 15 percent of the pool.

I am also aware that a policy along these lines cannot be implemented overnight. Therefore, the amendment calls for the implementation by attrition over the remainder of President Bush's term.

The practice of Presidential appointments of ambassadors and high-level officials in the State Department is, of course, I say it again, of long standing,

but it is not an unlimited right by virtue of his office or the Constitution.

In principle, the Senate can modify his choices, first, by rejecting those of them that involve confirmation, and as regards the civil service, Congress long ago established limits to what had earlier been a tradition of unlimited Presidential patronage.

This is the right time for the Senate to intervene with a constructive proposal under article I, section 6, clause 18.

Let me refer one more time, Mr. President, to the precedents established with the creation of the civil service. Before we had a civil service, there was a general and prevailing opinion that the practice was of appointing to Government service only those individuals who exercised political support in the campaign of the candidate for President who was elected, appointing only those individuals to what we now call civil service appointments.

The abuse rose to a level that Democrats and Republicans agreed that it was time for reform and the civil service was established and the Congress put some boundaries around the number of political appointments that an incumbent President of either party could make in the Government's domestic service.

Now we have seen a record of abuse with respect to the diplomatic service. We have seen the damage that excessive political appointments are causing within the diplomatic service. It is time to remedy this abuse and this injustice.

I might say that many years ago the current chairman of the Senate Foreign Relations Committee and the former Republican Senator from Maryland, Senator Mac Mathias, joined forces to propose an amendment in an earlier Congress very similar to this one, and I want to acknowledge my debt to them.

I also want to acknowledge the very eloquent and persuasive leadership of the senior Senator from Maryland [Mr. SARBANES] who has raised these concerns frequently in a very eloquent way, and I have consulted with both of these Senators in the drafting of this amendment.

It is an approach that I think is justified because we have not found any other way to do it and because the record of abuse is now such that some action by the Senate is required in order to reform this practice and serve the public interest well.

Mr. President, I ask my colleagues on both sides of the aisle to support this amendment, and I will yield back my time.

Mr. President, first I ask unanimous consent that an editorial from today's Kingsport Times-News be printed in the RECORD.

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

[From the Kingsport Times-News, July 18, 1989]

AMBASSADORS NEED BETTER EXPERIENCE

We don't know how many current U.S. ambassadors were political science majors with extensive experiences in government and world politics prior to their appointment. But doubtless it is very few.

That's because U.S. ambassadors seldom, if ever, have been appointed on the basis of experience or ability, but on how well they have courted political favor with whoever occupies the White House. Worse, those who survive long enough to gain experience in these important posts may lose their jobs just as quickly as they got them.

For too long, being named this nation's representative to a foreign land has been a political favor granted to those who raised money for a campaign or in some manner were owed something by a new president or party in power. In the early part of this nation's history, picking ambassadors out of a hat didn't matter all that much. But the world is not what it was 200 years ago.

As Sen. Al Gore puts it: "Other nations do not undermine their national interests overseas to grant political favors or ensure loyalty to the political line of the governing party. In our country, this practice has reached the point where the foreign service is unflinching prematurely the careers of increasing numbers of its finest diplomats. We've created a game of musical chairs in which the professionals—the core of expertise and continuity modern diplomatic life demands—lose out."

It shouldn't be that way. And Sen. Gore has proposed that it not remain that way. Legislation he introduced Friday would mandate that no more than 15 percent of ambassador-level and senior state department positions could be political appointments.

Would that all appointed positions in government that are funded by taxpayers be filled on the basis of ability. But Sen. Gore knows that change comes slowly. His bill is a start to increasing the integrity of the foreign service, and this country's image overseas. It is becoming increasingly important that America be represented overseas by persons with the professionalism and expertise to properly manage the economic, military, environmental and political objectives upon which our national security depends.

Sen. Gore also urges the Senate to properly carry out its constitutional mandate and give careful consideration to appointments requiring Senate approval. Says the senator, "The Constitution did not give the Senate the power to consider and vote on such appointments in order that it be set aside as a matter of custom. We have a major responsibility to use (that authority) as often as we think necessary."

The Senate should and the practice of giving the White House carte blanche on ambassadorial appointments. Our ambassadors should be men and women of distinction and achievement and not just the rich and politically powerful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I applaud the Senator from Tennessee for proposing his amendment. Its adoption would have a profound effect upon the

morale of the Foreign Service and the officers therein.

Speaking as the only Member of this body who was a Foreign Service officer, can relate firsthand to the frustration with and the annoyance that one would feel as you work your way up the line and then when the time comes to reach a higher rank like an Ambassador—or, in the military a general or admiral—that chance at promotion is plucked away and someone is nominated who has no experience in that field at all, but who was just a rich generalist, but without real experience.

When this happens, it means that one more Foreign Service officer very often is disappointed and goes out.

We should also bear in mind that this amendment does not prevent able political appointees from serving because they are in that 15 percent of noncareer Ambassadors that we would have, which is incidentally more than any of the nations with which we negotiate and deal, of the technologically advanced nations. Most of them have virtually no political appointees but all careerists in it.

When this occurs, then you find at the conference table the load is either carried by a deputy or we get bested.

Here I am not in any way detracting from the work of some of our great Ambassadors, like Bunker, Harriman, Bruce, or Mansfield. They were all political appointees and excellent ones.

Also, I would note that the amendment that Senator Mathias and I proposed some years ago, while it was not agreed to at that time, had a positive impact in the service.

I hope very much that this amendment might be supported by my colleagues.

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

Mr. PELL. I am glad to yield to the Senator from Maryland.

Mr. SARBANES. As I understand it, the distinguished Senator from Rhode Island and the former senior Senator from Maryland, Senator Mathias offered an amendment of this sort some years ago to which the distinguished Senator from Tennessee referred. Is that correct?

Mr. PELL. That is correct.

Mr. SARBANES. I join the Senator from Rhode Island in commending the very able Senator from Tennessee in offering this amendment.

While some may differ slightly on the percentage figures, I support this amendment and the figures therein because I think the current practice is so outrageous. In fact, some two-thirds of the country ambassadors which this administration has sent thus far to the Congress are political appointees, not out of the career service. The career service is being very sharply blocked

out thus far in the nominating process.

First, I think it is important to question how morale can be maintained within the career foreign service if officers see no substantial opportunity ever to move to the ambassadorial position.

Second, whereas in the past many of the political appointees have been very able and very distinguished and have served the country well, there now appears to be marked deterioration in that standard. What is now happening is that noncareer, political appointees are being named solely because of their partisan political involvement, without the other dimension of international experience and public service that in many prior instances had marked the noncareer people.

It is very important for us to sustain our career foreign service. In this respect, our practices differ markedly from those of other nations. None of them treat ambassadorial positions the way we do, because they appreciate that the selection of an ambassador is a serious proposition, and that an able ambassador can make an important difference in furthering the interests of his or her country in the capital to which he or she has been accredited. It is time for us to start thinking in those terms.

I commend the distinguished Senator from Tennessee for carrying this issue to the floor.

Mr. PELL. Mr. President, the Senator is absolutely correct in his point. Also, it is of some interest, I think, that when a man is appointed for really political reasons, as having been involved in politics, like Senator Mansfield was, he can do the job very well. But when it is based on contributions, that is not the same thing. I think many of the present ambassadors are being appointed because of their contributions, not their political skills.

I would also suggest that if we really want to reward generalists this way, or not so much generalists but contributors this way, we ought to think of making them generals or admirals, because that also is a flag rank. There is no reason in the world why a man from the outside could not come in as a general or an admiral and presumably take the skills that enabled him to pile up the normal fortune that is required to be a political appointee these days and give him flag rank. In that way, we would make less of an impact on the Foreign Service.

The PRESIDENT pro tempore. The senior Senator from North Carolina, Mr. HELMS.

Mr. HELMS. Mr. President, I thank the Chair.

I believe during the Reagan administration the number of so-called political nominations to be ambassador was something like 33 percent and thus far

in the Bush administration 38 percent, and yet the Senator proposes to limit the President's constitutional authority again.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. HELMS. I will not. I beg the Senator's pardon.

AMENDMENT NO. 278 TO AMENDMENT NO. 277
(Purpose: To prevent contact with General Noriega or his representatives by American officials)

Mr. HELMS. Mr. President, I offer a second-degree amendment and ask that it be stated.

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

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 278 to amendment No. 277

At the end of the amendment, add the following:

SEC. . No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988, in the United States District Court for the Southern and Central Districts of Florida on drug related charges.

Mr. HELMS. Mr. President, I thank the clerk for reading the amendment.

Mr. President, perhaps we ought to take a look at the Constitution with reference to ambassadorial appointments.

And I am not going back and analyzing the nominations by President Carter. As a matter of fact, the father of the distinguished chairman of the Foreign Relations Committee, as I understand it, was a political appointee as ambassador.

Mr. PELL. Will the Senator yield on that?

Mr. HELMS. Yes.

Mr. PELL. I point out, he may have been a political appointee a lot of years.

Mr. HELMS. There is nothing wrong with that.

Mr. PELL. But he passed the diplomatic exam originally.

Mr. HELMS. Perhaps you want to give the examination to all.

I mean no derogation of the chairman's father. I know if he was anything like his son, he was a great man. OK.

Article II, section 2 reads: "He"—meaning the President—"shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law."

Now, the rank of ambassador is set by the Constitution. The Secretary of

State and Foreign Service officers are appointed by law and are therefore lower in legal status. But I would suggest that the right of the President to appoint ambassadors cannot or certainly should not be limited by law.

I have known a lot of ambassadors. Some career diplomats are fine and some of them awful. By the same token, I suppose that Senators can find political appointments to ambassador to be good and bad, depending on their views.

But here we are going again intruding upon the constitutional authority of the President of the United States.

Mr. President, I ask for the yeas and nays on my second-degree amendment.

The PRESIDING OFFICER. Is the request for the yeas and nays seconded?

There is not a sufficient second.

Mr. HELMS. I suggest the absence of a quorum and we will get a sufficient second.

The PRESIDING OFFICER. The absence of a quorum has been suggested. 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.

Mr. HELMS. Mr. President, I renew my call for the yeas and nays.

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

The yeas and nays were ordered.

Mr. REID. Mr. President, I rise today to oppose the proposition that we should, by statute, limit the President's constitutional authority to choose those he wishes to serve as ambassadors of this country.

We may not always agree with the President's choices for these important diplomatic positions.

But such concerns do not justify this amendment to curtail the powers of Presidential appointment and impede the carefully constructed system of checks and balances of our Federal Constitution.

The framers of this Constitution worked very, very hard to ensure a separation of powers between the executive and legislative branches.

There was to be no concentration of power. Our law provides the President with the power to make ambassadorial appointments; the Senate has the authority, by virtue of the Constitution, to check the wisdom of these appointments through the so-called confirmation process.

If we so choose, we, the Senate, can reject an appointment. We are the check over the President's appointment powers. And we have used that power.

In the recent past, we have rejected certain Presidential appointments, including appointments as significant as a Cabinet Secretary and a Supreme Court Justice.

If we believe the nominee does not pass muster, we can reject that individual. Moreover, as stated in a recent Newsweek article, "The Constitution holds the Senators to no legal standards of proof in passing on Presidential appointments."

Just as the President does not have to provide a comprehensive justification for his appointment decisions, the Senate is also not required to provide explanations and evidence that merits rejection of a Presidential appointment.

I believe we should not tamper with the system of Federal Government envisioned by our Founding Fathers. Unfortunately, this amendment by my good friend from Tennessee does just that.

I fully acknowledge the critical importance of ambassadorial posts, and the significant contributions of U.S. Foreign Service Officers.

Mr. President, in a recent publication of their monthly magazine, I was quoted as saying that in my service in Government I have never noted a more dedicated group of people than our Foreign Service officers. And I believe that.

These men and women play an essential role in implementing our Nation's foreign policies, establishing good relations with countries throughout the world, and providing the expertise and insight that is important in the arena of foreign affairs.

But, having said that, there is no reason why a member of the professional foreign service would necessarily make a better ambassador than an individual with an academic, business, professional, or political background.

What about John Kenneth Galbraith? He was a great ambassador. What about DANIEL PATRICK MOYNIHAN? A great ambassador. And, of course, Mike Mansfield.

We should not use Foreign Service officers as pawns in a game to change the rules established by our country's Constitution.

I believe that we should follow the clear intent of the Founding Fathers: to evaluate each ambassadorial candidate on the merits, and confirm or reject their appointment as we see fit.

This practice satisfies the Senate's desire to see qualified people appointed to diplomatic positions without usurping the powers of the executive branch and the President.

In the Federalist Paper No. 66, Alexander Hamilton, one of the framers of the U.S. Constitution, explained why he and others who conceived the Constitution gave the President the right to appoint and the Senate the power

to reject or confirm Presidential appointments.

Mr. Hamilton wrote:

It will be the office of the President to nominate, and with the advice and consent of the Senate to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President.

They might even entertain a preference to some other person, at the very moment they were assenting to the one proposed, because there might be no positive ground of opposition to him; and they could not be sure, if they withheld their assent, that the subsequent nomination would fall upon their own favorite, or upon any other person in their estimation more meritorious than the one rejected.

That is only part of the quote, Mr. President, Hamilton went on to say:

Thus it could hardly happen that the majority of the Senate would feel any other complacency toward the object of an appointment than such as the appearances of merit might inspire, and the proofs of the want it destroys.

In the Federalist Paper No. 76, Hamilton expressed the belief that the requirement of Senate approval would be a salutary check on the President. This check "would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism of the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity."

Hamilton was the force behind the constitutional provisions concerning the right of the executive to nominate and the Senate to confirm.

Other framers of the Constitution—John Adams, for example—were critical of even giving the Senate confirmation powers.

In 1787, Adams wrote to Jefferson:

You are apprehensive of monarchy, I of aristocracy. I would, therefore, have given more power to the President, and less to the Senate. The nomination and appointment to all offices I would have given to the President, assisted by only a privy council of his creation; but not a vote or voice would I have given the Senate or any senator unless he were of the privy council.

Faction and distraction are the sure and certain consequences of giving to a Senate a vote on the distribution of offices.

As in many other aspects of the Constitution, the provisions in article II were the product of compromise. The view that prevailed was that of Hamilton and others, who promoted the concept of checks and balances, some thing that is built into our very framework of government.

This concept, translated into practice, has served this country well over the last two centuries.

Mr. President, the proposed amendment before us today would severely limit the President's choices by requir-

ing that a certain percentage of ambassadors be selected from among the ranks of Foreign Service officers and limit those other appointments a President can make.

Although such a restriction does not preclude all of the President's ambassadorial appointment powers, it is certainly a step in that direction.

Once started down this path, there is no reason why we might not see another step and yet another—eventually eroding the compromise of Presidential appointment powers and Senate confirmation and rejection authority.

If we take this first step today, who is to say how many more limits the majority could force on the President tomorrow—the next day—or 5 years from now? Taken to an extreme, the President's power and flexibility could be severely limited—all to the detriment of our democratic system of checks and balances.

I can share the frustration felt by the authors of this amendment—frustration fueled by some of the appointments that have been sent to the Senate over the last few years and certainly the last few months. We are all familiar with some of the writing and commentary in the newspapers recently. After all, Democrats have not controlled the White House for a decade now, and that means we have not made any appointments. But that is not a good enough reason to usurp the President's intended appointment powers under the Constitution.

I wonder how many numbers on our side of the aisle would want these limits placed on a Democratic President. The answer, of course, now is: well, that should not matter. But it does matter. We have to be careful how we deal with the office of the Presidency and the separation of powers that were long established.

Finally, Mr. President, I am not all that impressed with the argument that President Bush should be appointing ambassadors only on the basis of foreign relations experience. Let us look at some of the appointments made by other Presidents, and today, to save time, I will limit this to the discussion of one President.

In May 1961, John Kennedy appointed a man by the name of John Badeau as Ambassador to the United Arab Republic.

Badeau was an ordained minister and religion professor with the American University at Cairo when Kennedy appointed him.

According to Kennedy's biographers:

The choice of Badeau illustrated Kennedy's desire to appoint scholars and experts as ambassadors instead of career foreign service officers and political figures. Most importantly, Badeau was well liked in Egypt. Because U.S.-Egyptian relations had been strained since the Suez crisis of 1956, Kennedy wanted to establish a friendly rela-

tionship with President Gamal Abdel Nasser, head of the most powerful state in the Arab world.

Another of Kennedy's diplomatic appointments was John Martin as Ambassador to the Dominican Republic. In the 1950's, Martin won fame as a freelance journalist writing factual crime stories.

Active as a leader in the crusade for prison reform, Martin also worked intensively in Adlai Stevenson's Presidential campaigns in 1952 and 1956, and wrote a 1952 campaign biography, "Adlai Stevenson."

Associated with John F. Kennedy as a speechwriter during the 1960 presidential campaign, Martin was later confirmed as Kennedy's Ambassador to the Dominican Republic on March 1, 1962, where he ably served.

In reviewing the ambassadorial appointments of the Kennedy and other Presidents, I have found many other nonprofessional appointees who served their country well.

I close, Mr. President, by saying the greatest flaw in this amendment is that it is an example of trying to use a sledgehammer to drive a thumbtack.

The Senate has the right to turn down any of the President's nominees without ever being required to provide a reason. Why try to limit the President's clearly intended constitutional power of appointment for really no good reason?

If we take this step, I am convinced we will regret it. It will be bad for the country. I therefore urge my colleagues to vote against it.

The PRESIDING OFFICER. The senior Senator from Maryland.

Mr. SARBANES. Mr. President, I think it is very important to get on the record some of the statistics relating to career and political nominations that have prompted this amendment by the very able Senator from Tennessee.

What is happening now is unprecedented. We have examined the figures back to President Kennedy—that is, almost 30 years ago. I just want to go through them very quickly because I share the same sorts of frustrations that the Senator from Tennessee obviously feels, while conceding some of the points that the Senator from Nevada has made.

President Kennedy, in the first 7 months of his term, appointed 61 country ambassadors; 37 career, 24 political. That is 61 percent career, 39 percent political.

President Johnson in the first 7 months in 1965: 31 nominees; 21 career, 10 political. That is 68 percent career, 32 percent political.

President Nixon, during the first 7 months of 1969: 51 nominations, 29 career, 22 political; that is, 57 percent career, 43 percent political.

President Nixon, in the first 7 months of his next term: 30 nomina-

tions, 18 career, 12 political; 60 percent career, 40 percent political.

President Carter, for the first 7 months of his term: 55 nominations, 32 career, 23 political; 58 percent career, 42 percent political.

President Reagan, first 7 months of his first term: 38 nominations total, 23 career, 15 political; 61 percent career, 39 percent political.

President Reagan, the first 7 months of 1985: 37 nominations total; 28 career, 9 political; 76 percent career, 24 percent political.

Now, in all of those years, the career nominations were more than half in every instance. In fact, the low figure was 57 percent career nominees. They were almost three-fifths or more in every instance.

President Bush, as of today, July 18, 1989, has sent to the Senate 42 nominations of country ambassadors. Forty-two. Fourteen of them are career. Only 14 out of the 42. Twenty-one of them are strictly political. The other seven, the State Department classifies as political, although they have previously held posts in the Department. Some have previously been ambassadors but they were political appointees when the first nomination was made.

Depending on how you count them—in two strict categories or in three—either only one-third are career nominees 40 percent are career. Only 14 out of the 42 ambassadorial nominations sent by President Bush thus far in his first term are career Foreign Service officers.

This is a marked, radical change from past practice. That is what, in part, helped to prompt this amendment. There has been vast departure on the part of this administration from the pattern followed by previous administrations, Democratic and Republican alike. Kennedy, Johnson, Nixon, Carter, and Reagan all nominated considerably more than half of their country ambassadors from the career service, even during the first 7 months after their election. Now all of a sudden we have a radical departure by President Bush in terms of the career/noncareer split in the 42 country ambassadors that he has sent to the Senate thus far in his administration.

I commend the Senator from Tennessee for bringing this issue to the floor.

Mr. GORE. Will the Senator yield?

Mr. SARBANES. Certainly.

The PRESIDING OFFICER (Mr. REID). The Senator from Tennessee is recognized.

Mr. GORE. I appreciate the comments just made by the senior Senator from Maryland and I agree with him totally. We are seeing important ambassadorial positions auctioned off and the national interest suffers.

I wanted to make one other point, with the indulgence of my colleagues, and that is that the earlier statement about the constitutional provisions involved must be amended, in my view, by reference to article 1, section 8, clause 18—which gives to the Congress the power to 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 any Department or officer thereof," and then in clause 14 to make rules for the Government.

In preparing this amendment, I consulted with the American Law Division of the Library of Congress and they said that, in their opinion, the weight of the legal authority is clearly that there is not a serious constitutional question involved here. There is also the case in 1976, Buckley versus Valeo, which is known to us for other reasons because it was a case which involved political fundraising principles, but it also spoke to the underlying constitutional issues here.

Then there is the practice which has gone on at least since the Madison administration when the Congress set terms and rules governing the diplomatic service. Let me quote from an opinion by Justice Brandeis in Myers versus United States case:

The assertion that the mere grant by the Constitution of executive power confers upon the President as a prerogative the unrestricted power of appointment and of removal from executive offices, except so far as otherwise expressly provided by the Constitution, is clearly inconsistent also with those statutes which restrict the exercise by the President of the power of nomination. There is not a word in the Constitution which in terms authorizes Congress to limit the President's freedom of choice in making nominations for executive offices. It is to appointment as distinguished from nomination that the Constitution imposes in terms the requirement of Senatorial consent. But a multitude of laws have been enacted which limit the President's power to make nominations, and which, through the restrictions imposed, may prevent the selection of the person deemed by him best fitted. Such restriction upon the power to nominate has been exercised by Congress continuously since the foundation of the Government. Every President has approved one or more of such acts. Every President has consistently observed them. This is true of those offices to which he makes appointments without the advice and consent of the Senate as well as of those for which its consent is required.

Thus, Congress has, from time to time, restricted the President's selection by the requirement of citizenship. It has limited the power of nomination by providing that the office may be held only by a resident of the United States; of a State; of a particular State; of a particular district; of a particular territory. It has limited the power of nomination further by prescribing specific professional attainments, or occupational experience.

And it goes on and on quite extensively listing all of the statutes that have been enacted by the Congress and approved by the President, which are exactly like the pending amendment, which would, in responding to the record of abuse, so well described by the Senator from Maryland, put this Senate in the position of correcting a problem that threatens our national interest. I thank my colleague for yielding at length.

Mr. SARBANES. Mr. President, I simply want to close with this quotation from Hamilton. The very able Senator from Nevada in the course of his exposition made reference to *Federalist Papers* and Hamilton and the fact that one of the issues at the constitutional convention was whether the President should have the sole power to make appointments. In fact, some argued that Presidential appointments should be subjected to some screening requiring a concurrence on the part of the legislative branch, and in particular on the part of the Senate. Hamilton says in *Federalist No. 76*:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. And, in addition to this, it would be an efficacious source of stability in the administration.

It will readily be comprehended that a man who had himself the sole disposition of offices would be governed much more by his private inclinations and interests than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism or an unbecoming pursuit of popularity to the observation of a body whose opinion would have great weight in forming that of the public could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.

Mr. President, this is a strong statement by Alexander Hamilton. What has happened here is that we, in effect, have been driven to this recourse of trying to insist on career appointees by the gross disproportion of career and political appointees to which I previously alluded.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask for the yeas and nays on the amendment of the distinguished Senator from Tennessee.

The PRESIDING OFFICER. It would take unanimous consent to request the yeas and nays.

Mr. HELMS. I ask unanimous consent it be in order for me to request the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. President, suppose we discuss what is in the amendment to be voted on; that is, my second-degree amendment to the amendment of the distinguished Senator from Tennessee. This amendment would prohibit the use of funds for the purpose of initiating contacts or conducting negotiations with Noriega. This amendment would allow only funds to be used to make contact with Noriega for only one reason, one purpose, that being to issue a warrant or execute the arrest of Mr. Noriega to stand trial under the terms of his indictments in U.S. Federal court.

Mr. President, I had been under the impression that the U.S. Government officials were no longer in communication with Mr. Noriega, but it just goes to show how wrong you can be around this place. The United States does not recognize the illegitimate regime of Noriega, and it had been my understanding that all contact with Noriega was discontinued after the administration negotiated unsuccessfully with him in May 1988.

Last week, I received some very surprising information. Surprising is not strong enough. It is appalling. I did not believe at first what I was told, so I began to check and check and check and, lo and behold, I found out the information was correct. I have now confirmed it with numerous sources in this city, including at least one in the White House.

Mr. President, what do you know, Mr. Stephen Dachi, the Acting Ambassador from the United States to the Organization of American States, has requested to meet with Mr. Noriega. Mr. Dachi apparently passed his request through Noriega's representative at the OAS, so, obviously, career ambassadors, like all the rest of us, make mistakes.

Let me tell you about Mr. Noriega's man at the OAS. His name is Carlos Russell, and he is a U.S. resident. And who is Mr. Russell?

He just happens to be Idi Amin's former lobbyist in this city. He is known to have a picture in his home of himself embracing Idi Amin. I can only comment he has very poor taste in the people he hugs. Furthermore,

Mr. Russell is just about as anti-American as they come.

Now, I just cannot understand why an American, let alone an official of the U.S. Government, a career employee, if you please, would have any desire to consort with a man like this Carlos Russell.

According to information that I have acquired—and I have no doubt about its authenticity—Mr. Dachi, this career employee of the State Department, asked Mr. Russell, Idi Amin's former lobbyist, to arrange for him a meeting with Noriega. Russell in turn asked Noriega to grant Dachi an audience. Noriega has accepted the invitation, obviously, with pleasure. Apparently they are in the process of working out arrangements for this little get-together.

Mr. President, this meeting is not going to take place if I have anything to do with it. Hence the amendment now pending.

I do not know Mr. Dachi, and I do not particularly want to meet him, judging by his judgment, but I understand that he has been with OAS for just a couple of weeks. Perhaps he ought to have stayed in his last post, São Paulo, Brazil, or perhaps we ought to send him back there, give him a one-way ticket, unless, Mr. President, he was acting on orders from higher authority. I do not suggest that that is the case. I believe to the contrary. But you never know in this town who is doing what to whom.

In any case, Mr. President, Mr. Noriega, sitting down there smiling, convinced that he is dealing with a bunch of boobs in the United States, is milking his connection with a U.S. employee at the OAS for all its worth. This past weekend Mr. Noriega sent his cronies to talk to opposition leaders, and the opposition leaders mistakenly believed they were meeting to negotiate Mr. Noriega's departure from Panama. But Noriega's representatives said that they had no intention of discussing Noriega's departure inasmuch as Noriega had established his own channels within and with the U.S. Government to discuss, what do you know, dropping his indictments. Noriega, of course, is referring to the invitation that he received from this Mr. Dachi, who is acting Ambassador from the United States to the Organization of American States.

Mr. President, this contact by Mr. Dachi was totally unauthorized. I hope. Nevertheless, it had the effect of torpedoing U.S. policy and giving false encouragement to Noriega. It has in fact encouraged Noriega to be more adamant. So I consider this to be a diplomatic blunder of colossal magnitude.

What has President Bush said about this sort of thing? He has said on numerous occasions that it is U.S. policy

to have no dealings with Noriega. In fact, last year the Congress stated in a resolution that "the United States should not conduct or authorize any negotiations or discussions with Noriega."

That resolution went on to say that any such negotiations "would be incompatible with the high priority that the U.S. places on the war on drugs, would not further the prospects for restoring a noncorrupt government in the Republic of Panama, and would not serve the interests of the United States."

What the Congress said then is correct today. That was a sense-of-the-Senate resolution that was, therefore, nonbinding. However, if low and middle level bureaucrats are going to initiate their own contact with Noriega and implement their own policy, then the Senate should and must act now to cut off funds for this sort of insanity.

Mr. President, I am ready to vote on my amendment if the distinguished chairman of the committee has no further discussion of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Rhode Island.

Mr. PELL. Mr. President, what this amendment of the Senator from North Carolina would do is prevent certain actions that might well be in the national interest. For example, taking a phone call from Noriega regarding a terrorist threat against the U.S. Embassy would be prohibited if this amendment was law. Or any discussions with Noriega about unconditionally resigning his position and leaving Panama—those conversations would not be possible under this amendment, or receiving a nomination of a Panamanian to head the Panama Canal as provided for by the canal treaty would also be prohibited if this amendment passed. No one likes Noriega, no one wants to deal with him and contact should be avoided to the extent possible. But to have a blanket prohibition on the President of the United States would be, under some circumstances, to cut off our nose to spite our face.

I believe that when you weigh the advantages of this amendment and the disadvantages that it would be more in the national interest if this amendment was not law.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished chairman of the Foreign

Relations Committee knows of my respect for him. Sometimes we have to agree to disagree agreeably and this is one of those times. Contrary to what the distinguished Senator said, this amendment does not prevent U.S. officials from talking to others in Noriega's circle. It merely prohibits funds being used to contact directly Mr. Noriega himself.

Furthermore, the attempt by the United States employee at the OAS to meet with Noriega was unauthorized, and it has clearly set back United States policy with respect to Panama. Mr. Noriega has used this contact to stall for time, and we played right into his hand. A message ought to be sent by this Senate to the State Department and all others concerned that this is not to be tolerated.

If this is interpreted as micromanagement, so be it. But this contact by this man, the acting Ambassador from the United States to the Organization of American States, was totally unauthorized. It was awful judgment. It must not be repeated.

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

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

Mr. KERRY. Mr. President, I just have looked at a copy of the amendment of the distinguished Senator from North Carolina, and he and I, and I noticed the Senator from New York is on the floor, have worked very closely on this issue over a period of time.

This is the first time I have had a chance to read the amendment, but I am somewhat concerned that there is a departure between this amendment which the distinguished Senator has presented us with this year and the amendment that we passed last year which I and others were supportive of.

First of all, let me just say that on the issue of Panama and the question of our dealings with General Noriega, I do not think the Senator will find any argument from the Senator from Massachusetts or from most of the members of the Foreign Relations Committee that this has been a travesty in the handling of American foreign policy. It is really one of the saddest chapters that I can think of historically and certainly in the last quarter-century of our dealings with a country in this hemisphere.

When you think of the arguments that have centered around Cuba and what was referred to for many years as the loss of Cuba and the impact that that has had on the politics of this country and the implications that

it has over a long period of time, here we have really what has to be referred to as another Cuba in the same context which has come about because of the unwillingness of the American officials to really face up to the choices that we ought to be making.

In the past, Assistant Secretaries and Deputy Secretaries of State have been designated and have had an enormous impact on our affairs.

I recall, because I was deeply involved in the Philippines, that Assistant Secretary Paul Wolfowitz played a significant role; in the Middle East Dick Murphy, whom we all came to know and appreciate for his hard efforts, played a significant role.

Many of us disagreed with the role played by Elliott Abrams, but he played a significant role.

Here we have no identifiable individual whatsoever who is moving policy in this region, and notwithstanding all of the hullabaloo that surrounded General Noriega only a few weeks and months ago during the election, it has now disappeared from any burner, let alone the front burner, of foreign policy, and we have seen a whole opposition disintegrate with the lack of American strategy and the lack of willingness to go forward with that strategy.

So I share the desire of the Senator from North Carolina to try to proceed with the policy in Panama. However, I think the amendment as currently constructed works at cross-purposes with our desires to do so.

Last year, we passed a sense-of-Congress amendment that said that the United States should not conduct or authorize any negotiations and should not make any arrangements with General Noriega which would involve an effort by the United States to dismiss the indictments.

Now, the distinguished Senator who is no longer on the floor at this moment said to me, reading the first part of that sentence, that this amendment he seeks to have adopted this year does nothing different. I differ with him. I think it does something considerably different and very damaging to any efforts that may or may not exist or that might exist in the future with respect to our efforts to try to dislodge General Noriega.

There is in a sense a no severability clause in the amendment as passed last year so that in effect all that we did last year was say you cannot negotiate or make a deal that drops the indictments. That was last year's sentiment.

This year, the Senator from North Carolina is attempting to pass an amendment that would say that no funds appropriated or authorized in this act can be spent with respect to any contacts with General Noriega

except the Federal marshals going in to move him out.

I support and understand why the Senator wants to get him out, and I understand that he wants the Federal marshals to go in and get him out.

It would be, No. 1, I think unconstitutional for the Senate to pass a law prohibiting any funds or expenditures in this act from being used for any kind of contact, because that would be an enormous usurpation of the available power of the President to conduct the affairs of foreign policy.

No. 2, do we really want to do that? Do we want to restrict any kind of expenditure whatsoever that might bring us to the point where you have a negotiation through a contact with General Noriega that he might leave office.

I would respectfully suggest that to pass that kind of absolute general prohibition would be a grave mistake, would tie the hands of the administration and the Congress, would limit us in whatever prospects we may have down the road to hopefully negotiate something, and I do not think really accomplishes the purposes that the Senator wants to accomplish here if I read them correctly.

I would be delighted to try to sit with the Senator and see if we could not find language that more appropriately does accomplish what he sets out to do.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like and hope that the Senate could come to a resolution that would send a very clear signal to Manuel Noriega and to his henchmen that we are not condoning and we are not loaning any kind of support to him in any way and that indeed we are not going to conduct business with him.

I think that is absolutely paramount, and I believe that is what Senator HELMS in offering this amendment was attempting to put into action.

I would hope we could come to an accommodation because I am deeply troubled when I read that the acting minister for OAS, our representative for the OAS, is conducting negotiations with an individual by the name of Carlos Russell who formerly represented Idi Amin—incredible, incredible, and, Mr. President, it sends the wrong message because while at one hand the opposition to Noriega comes forward in good faith to bargain with him, we send out a message with the other hand that says you do not have to because the United States is doing that.

And, therefore, they are treated in a cavalier manner, dismissed. Once again, we sent Noriega a signal that the right hand does not know what the left hand is doing. Absolutely wrong; the wrong message.

So I hope that particularly those among us who almost unanimously have come together in declaring Noriega the outlaw that he is, Noriega the ruler who rules by way of force, who has no support in the Congress of the United States, that we should and could and must fashion a legislative proposal that states very clearly that the United States does not recognize him in any way as the legitimate representative of the people, and that we will assist those people who are fighting for freedom and who seek freedom in Panama.

I believe that it is important that the administration understands that it cannot continue to say one thing and do another. I hope that the U.S. alternate representative to the Organization of American States undertook this initiative to meet with Noriega's representative and to set up a meeting with Noriega on his own, without approval from higher authority.

I would feel very, very disappointed indeed, if at the same time when we are attempting to demonstrate to Noriega and to the world that we stand with the forces of freedom, that we are still undertaking the kinds of activities that sent out a message and the wrong signal that we are willing, yes, to negotiate with Noriega.

I find it offensive. I think it is the wrong kind of message to send. I believe that it is important that we, the U.S. Senate, appear steadfast and united in our opposition to this tyrant. It is counterproductive to have a policy that is stated on one hand and the kind of activity that has been reported to us on the other hand. And it will inure to the benefit of only one person, Manuel Noriega and his drug cartel.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. I ask the pending amendment and all amendments behind it be laid aside temporarily.

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

The Senator from West Virginia is recognized.

AMENDMENT NO. 279

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. DeCONCINI, and Mr.

GORE, proposes an amendment numbered 279.

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

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

The amendment is as follows:

At the end of the bill add the following new section:

Condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria, and authorizing assistance for the relief of Turkish refugees fleeing Bulgaria.

(a) FINDINGS.—The Congress finds that—

(1) The Government of the People's Republic of Bulgaria is a signatory to the 1947 Paris Peace Treaty, the Universal Declaration on Human Rights by the United Nations, and the Helsinki Declaration of the Conference on Security and Cooperation in Europe;

(2) The Helsinki Accords express the commitment of the participating states to respect the fundamental freedoms of conscience, religion, expression, and emigration, and to guarantee the rights of minorities;

(3) The 1971 Constitution of the People's Republic of Bulgaria declares that fundamental rights will not be restricted because of distinction of national origin, race, or religion, and guarantees minorities the rights of study in their mother tongue and freely practice their religion;

(4) Despite its international obligations and constitutional guarantees, the Government of the People's Republic of Bulgaria has taken numerous steps to repress Turkish language and culture, including prohibiting the study of the Turkish language in schools, banning the use of the Turkish language in public, making the receipt and reading of Turkish publications a punishable act, and jamming the reception of Turkish radio and television, programs and Bulgaria;

(5) The right of the ethnic Turkish community to freedom of religion has been severely circumscribed by the Government of the People's Republic of Bulgaria, which has closed a number of mosques and barred the importation of copies of the Koran;

(6) Emigration by ethnic Turks and others has been banned with only a few exceptions;

(7) Beginning in December 1984, the Bulgarian authorities forced the Turkish minority to change their Turkish names to Bulgarian ones, and hundreds of ethnic Turks were killed, injured, or arrested by Bulgarian forces in 1984 and 1985 when they protested this new policy;

(8) The Bulgarian authorities have used both force and coercion to resettle ethnic Turks from their local villages to areas in Bulgaria with small Turkish populations;

(9) In May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria;

(10) Hundreds of demonstrators were killed or wounded in these attacks, and hundreds more were arrested; and

(11) Since these demonstrations, the Government of the People's Republic of Bulgaria has forcibly expelled or coerced into emigrating to Turkey thousands of ethnic Turks without either their money or their possessions, often resulting in the separation of families.

(b) **POLICY.**—It is the sense of the Congress that the Congress—

(1) strongly condemns the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria;

(2) calls upon the Bulgarian authorities to immediately cease all discriminatory practices against this community and to release all ethnic Turks and others currently imprisoned because of their participation in nonviolent political acts;

(3) calls upon the Bulgarian Government to honor its obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely; and

(4) urges the President and Secretary of State to make strong diplomatic representations to Bulgaria protesting its discriminatory treatment of its Turkish minority and to raise this issue in all appropriate international forums, including the Conference on Security and Cooperation in Europe meeting on the environment in Sofia, Bulgaria, this year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of State, \$10 million for purposes of section 2(c) of the Migration and Refugee Assistance Act of 1962, to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey.

Mr. BYRD. Mr. President, I have discussed this amendment with the managers and I hope that they will be willing to accept it. I am pleased to offer it on behalf of my distinguished colleague from Arizona and myself. It condemns Bulgaria's treatment of its ethnic Turkish minority and calls on the Bulgarian authorities to cease immediately the shameful persecution and deportation of these Bulgarian citizens. Further, it authorizes \$10 million in funds for fiscal year 1990 for the assistance of ethnic Turks who have fled Bulgaria and are resettling in the sovereign territory of Turkey.

I have spoken before on this issue here on the Senate floor. When I made that statement, on June 23, 1989, it was apparent that Bulgaria's long-standing draconian policy of forced assimilation of its ethnic Turkish minority had drastically escalated into a policy of expelling its Turkish citizens across the border into Turkey. At the time I made that statement, the estimates of the numbers of ethnic Turks expelled across the border ranged from 30,000 to 45,000.

Today, only 3 weeks after I made that speech, those estimates are 130,000 to 140,000. In only 3 weeks, Bulgaria has forcibly sent 100,000 of its citizens out of their homes, out of their jobs, away from their relatives, property, and bank accounts, into a neighboring country which has accepted them with outstretched arms.

The burden this has placed on Turkey is enormous. In the past year, Turkey has had to accept two massive streams of refugees—the Kurds who fled from Iraq's use of chemical weap-

ons against them late last summer and now these Bulgarian ethnic Turks.

When will this exodus from Bulgaria end? Reportedly, Bulgaria has issued passports for 300,000 of its ethnic Turkish citizens. Turkey's Prime Minister Ozal has said that Turkey will take all the Bulgarian Turks who cross the border—but at what cost to Turkey?

I thank my distinguished colleague, Mr. DeCONCINI, for proposing an amendment on this subject. It is necessary to focus the Senate's attention, and the U.S. Government's attention, on this deplorable matter.

I have added to Senator DeCONCINI's original legislation on authorization for assistance to Turkey to help meet the human needs of the refugees.

Turkey needs help handling this massive influx of refugees. Its most urgent need is for housing. Many of these refugees from Bulgaria are temporarily housed in tents right on the Turkish side of the border. Once the summer ends, some other form of housing will have to be found for these people.

It is my understanding that a bipartisan group of House members has written to the administration and has suggested that \$5 million in fiscal year 1989 foreign aid funds to Somalia, which apparently will not be obligated, should be reprogrammed for use by Turkey to resettle the ethnic Turks. I understand the administration is considering that request.

I would like to encourage the administration to act now favorably on that request. If the funds for Somalia are not available, I hope the administration can find some other way or some other funds to assist Turkey. I believe the United States should make every effort to assist this NATO partner, Turkey in its costly effort to absorb the ethnic Turks who are being expelled from Bulgaria.

For fiscal year 1990, this amendment provides \$10 million for feeding, clothing, and sheltering the ethnic Turks expelled from Bulgaria. Although this is not enough to care for all the Turks who might flee Bulgaria, I hope this amendment will help to dissuade the Bulgarian Government from continuing its draconian forced assimilation policy before it burdens the Turkish people with any further refugees.

As a July 1 editorial in the Washington Post noted, the human tragedy in a remote corner of Europe has been ignored by most of the world, or categorized as "Balkan," a patronizing metaphor for that which is unmodern and unworthy of serious attention. Events in Bulgaria have come to a head at the same time as the tragedy in China, to which the entire world has paid extensive, televised attention. This has meant that Bulgaria has gotten somewhat of a free ride. The Bulgarian expulsion of its Turkish minority is an

appalling violation of the norms of civilized behavior. It is time the world calls Bulgaria to account for this shameful persecution.

The editorial in the Washington Post reads as follows:

BULGARIA AND THE TURKS

In a letter last Saturday, the ambassador of Bulgaria had his say on the matter of the tens of thousands of people from his country who have been streaming across the border into Turkey. According to Ambassador Velichko Velichkov, Bulgaria, acting in the spirit of renewal and restructuring, has granted "Bulgarian Moslems" a full and generous right to travel abroad. The reason that Turkey describes the traffic as expulsion and deportation, he explains, is its own "Pan-Turkish imperial ambitions." This is his way to "set the record straight."

In fact, this is not one of those disputes where the truth lies somewhere in between. The Turks have a serious complaint. The Bulgarians are acting arbitrarily, cruelly and in a way that mocks their efforts otherwise to let in a little light. The ambassador grossly distorts the truth. What is going on is one of the major human rights outrages of the decade.

About five years ago, Communist Bulgaria stepped up an old campaign to assimilate the ethnic Turkish tenth of the population left over from five centuries of Ottoman rule: banning observance of Moslem customs and use of the Turkish language, requiring people who regard themselves as ethnic Turks (not as "Bulgarian Moslems") to take Bulgarian names and so on. The Turks of Turkey do not have strong human rights credentials in the West or a strong community of kin in the United States, and their appeals for the Turks of Bulgaria did not carry far. Most people, if they paid attention at all, filed Turkey's appeals under "Balkan"—which can be a patronizing metaphor for tribal, unmodern, unworthy of others' serious attention.

More recently, the stream of "tourists," as Bulgaria perversely calls them, tumbling, fleeing and being thrown into Turkey has gotten so large and pitiable as to be impossible for others to ignore. This is the basis of the international protests now mounting against Bulgaria's policy of forcible cultural and communal assimilation—a policy that has meant loss of property and livelihood for many of its victims and torture and loss of life for some.

This human tragedy in a remote corner of Europe has come to a head while most of the world was following the grander, more thoroughly televised events in China. In that sense Bulgaria has gotten something of a free ride. It deserves to be called to account for its appalling and shameful persecution of its Turkish citizens.

Mr. DeCONCINI. Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, I am proposing with Senator Byrd an amendment to the State Department authorization bill (S. 1160) condemning Bulgaria's treatment of its ethnic Turkish minority, which accounts for over 10 percent of the population in Bulgaria. This amendment includes language which is identical to Senate Concurrent Resolution 46, which I submitted on June 15. It calls upon the Bulgarian authorities to immedi-

ately cease all discriminatory practices against its Turkish minority and to honor its international obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely. The amendment also urges the administration to raise these issues at all appropriate international fora, including the Conference on Security and Cooperation in Europe [CSCE] meeting on the environment scheduled to take place in October in Sofia, Bulgaria.

In late May, we began to receive numerous reports of peaceful demonstrations protesting the Bulgarian Government's policy of forced assimilation of the Turkish minority. This policy began in the 1950's with the closing of Turkish schools and mosques. In late 1984, this campaign intensified when the regime compelled over 1 million members of the Turkish minority, sometimes by force, to change their names. At the same time, the Bulgarian Government insisted that there was no ethnic Turkish minority in Bulgaria claiming that ethnic Turks were in reality Bulgarians who had been forcibly Islamicized under Ottoman rule. To this day, the regime continues to have the audacity to claim that these 1 million people changed their names voluntarily within a 3-month period.

Since 1984, the Bulgarian Government has continued to suppress Turkish culture and identity. Public use of the Turkish language is forbidden and punishable by fines; the receipt and reading of Turkish publications are also prohibited and jamming of Turkish TV and radio programs continues. Bulgarian authorities even forbid the wearing of traditional Turkish clothes.

The Government also continues to suppress Bulgarian Muslims, the majority of whom are ethnic Turks whose culture is intertwined with Islam. Most of Bulgaria's mosques have been closed, observance of Muslim holidays discouraged, and Muslim rites such as weddings, burials, and circumcisions are restricted or prohibited. Religious education of children is not allowed, and the Koran is not published nor can it be legally imported. These repressive measures represent flagrant violations of Bulgaria's commitments under the Helsinki Final Act, Madrid Concluding Document and the recently concluded Vienna Document.

Mr. President, the May demonstrations, which resulted in the deaths and injuries of hundreds and the arrests of numerous others, and the subsequent exodus of over 100,000 ethnic Turks to date are the direct result of the Bulgarian Government's attempts to eradicate Turkish identity. We are now learning that these demonstrations were more widespread than initially thought, involving hundreds of thousands of people. It is important to

note that ethnic Turkish efforts to assert their legitimate rights are also supported by ethnic Bulgarians, particularly members of Bulgaria's Independent Association for the Defense of Human Rights and the independent trade union "Podkrepa." Indeed, in addition to ethnic Turks, Bulgarian human rights activists such as Konstantin Trenchev and Nikolai Kolev are still being detained for supporting the legitimate aspirations of the repressed Turkish minority. In late May, in the face of these widespread protests, often quashed through violent means, the Bulgarian Government began to deport thousands of ethnic Turks, some after only a few hours notice. Ethnic Turkish refugees now in Turkey report abandoning houses, apartments, domestic animals and cars in Bulgaria; still others report they had been separated from family.

The sudden and unanticipated influx of hundreds of thousands of ethnic Turks has placed a tremendous burden on Turkey. This amendment authorizes financial assistance in the amount of \$10 million to the Republic of Turkey for assistance for shelter, food, and other basic needs to ethnic Turks fleeing Bulgaria.

The demonstrations and expulsions, the direct result of the forcible assimilation campaign, represent a refusal by the Bulgarian Government to implement the obligations entered into voluntarily in Helsinki in 1975 and in Vienna earlier this year. They are particularly evident against the backdrop of improvements in human rights compliance in some parts of Eastern Europe. The issue of the brutal treatment of the Turkish minority in Bulgaria was a subject raised by many delegations, including our own, at the recently concluded Paris meeting of the CSCE Conference on the Human Dimension. It is a subject that we must continue to raise to make absolutely certain that the Bulgarian Government recognizes that its persecution of the Turkish minority will not be tolerated. We need to become more forceful in expressing our outrage over recent events in Bulgaria. I hope that this amendment will send a loud and clear message to the Bulgarian Government as well as concretely assist these displaced Turkish refugees.

Mr. BYRD. Mr. President, I ask unanimous consent that the names of Messrs. SARBANES and LUGAR be added as cosponsors to the amendment.

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

Mr. KERRY. Mr. President, I would like to congratulate the distinguished Senator from West Virginia on his amendment. I ask unanimous consent I be added as a cosponsor.

Mr. BYRD. Mr. President, I thank the distinguished Senator and I ask unanimous consent that his distin-

guished name be added as a cosponsor of the amendment.

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

Mr. BYRD. And I also ask unanimous consent that Mr. BENTSEN's name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment offered by the Senator from West Virginia.

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

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

The yeas and nays were ordered.

Mr. PELL. Mr. President, I fully support this amendment. The Government of Bulgaria has long practiced a cruel policy of forced assimilation of its minority Turkish population. Indeed, the Bulgarian Government has long maintained an official lie—it has told the world that there is no such thing as a distinct ethnic minority in Bulgaria. Instead, it pretends that ethnic Turks are really Bulgarians who were compelled to convert to Islam under Ottoman rule.

That official lie, which began as early as the 1950's, intensified in 1984 when the regime forced over 1 million members of the Turkish minority to change their names. As part of its forced assimilation campaign, the Bulgarian Government has also outlawed the public use of the Turkish language and banned Turkish publications.

In May, the Turkish minority launched a series of demonstrations against this inhuman policy. The Bulgarian Government responded with a violent crackdown of killings and beatings. As a result, there has been an exodus of over 100,000 ethnic Turks from Bulgaria to Turkey.

This amendment helps to expose the official lie which the Bulgarian Government has for so long tried to hide behind and it sends a clear signal that the world will not be silent in the face of Bulgaria's brutal violation of human rights.

Mr. BYRD. I want to thank the distinguished manager of the bill for his very supportive statement. I am sure that statement is welcomed in all areas of the country and in the world where people prize freedom and decency.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amend-

ment offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, if the Chair will withhold momentarily, it may be that we can dispense of another matter before we do that roll-call.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 278, AS MODIFIED, TO
AMENDMENT NO. 277

Mr. HELMS. Mr. President, I ask that it be in order, notwithstanding the fact that the yeas and nays have been ordered on the second-degree amendment to the underlying amendment of the Senator from Tennessee, that it be in order for me to modify the amendment, by agreement on both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. I send to the desk the modification to the amendment, and I thank the Chair.

The amendment (No. 278), as modified, is as follows:

At the end of the amendment bill, add the following:

Sec. . No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988, in the United States District Court for the Southern and Central Districts of Florida on drug related charges, unless the President determines and certifies to Congress that the contacts are intended to result in the departure of Noriega from power.

Mr. HELMS. The yeas and nays are still ordered on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. STEVENS be added to the amendment on which a rollcall vote will occur.

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

The question is on agreeing to the amendment of the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.
Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—99

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

NAYS—0

NOT VOTING—1

Matsunaga

So the amendment (No. 279) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I ask unanimous consent that the vote—

Mr. HELMS. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from North Carolina is right. The Senate is not in order. I am going to ask first the pages to sit down and then I am going to ask the Senate to follow the example of the pages.

Could we sit down, please? Could we take our seats? Could we take our seats?

Now, the majority leader was asking unanimous consent.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the votes on the Helms second-degree

amendment and the Gore first-degree amendment occur immediately without intervening debate or action and that the vote on the Helms amendment be a 15-minute vote and that the vote on the Gore amendment be followed immediately without intervening debate or action and be a 10-minute vote.

Mr. DANFORTH. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, parliamentary inquiry. I will direct the inquiry to the Senator from North Carolina.

Is the Helms amendment the Noriega amendment?

Mr. HELMS. The Senator is correct.

Mr. DANFORTH. Reluctantly, Madam President, I would have to object. I would like to debate that for at least a few minutes, say, maybe 10 minutes or so, if you would like an agreement on this.

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period of 20 minutes of debate on the Helms second-degree amendment, equally divided, under the control of Senator HELMS or his designee in behalf of the amendment and Senator PELL or his designee in opposition to the amendment; that upon the completion of that debate or the yielding back of time, the vote on the Helms amendment occur without any further debate or intervening action; that upon the disposition of the Helms amendment, the Senate, without any intervening debate or action, vote on the Gore first-degree amendment; and that the vote on the Gore amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, and I shall not object, if the Chair will bear with me for just 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Just 1 minute.

Mr. MITCHELL. Does the Senator from North Carolina reserve his right to object?

Mr. HELMS. I reserve my right to object, and did.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Is there objection to the majority leader's request?

Without objection, the majority leader's request is agreed to.

Who yields time on the amendment?

Mr. DANFORTH. Madam President, may we have order in the Senate before we start the time rolling?

The PRESIDING OFFICER. The Senator is correct. Those Senators standing and engaging in conversations, please withhold and other Senators take their seats.

The Senator from Missouri.

Mr. DANFORTH. Madam President, there still is not order in the Senate.

The PRESIDING OFFICER. The Senator from Missouri has asked the Senators standing to please sit down.

Mr. DANFORTH. Madam President, I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Missouri?

Mr. PELL. Madam President, I was designated by the majority leader to control the time. Since I will be in support of the Senator's amendment, I have yielded my 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri now controls time in opposition to the amendment.

Mr. DANFORTH. Madam President, I thank the Chair.

Madam President, I use this opportunity to point out what Senator BOREN and I have been pointing out in the past, and that is the pitfalls of the Congress of the United States, particularly by floor amendments, determining the precise details for the conduct of foreign policy and thereby restricting this administration or any other administration in the appropriate utilization of the executive's function in the conduct of foreign policy.

Madam President, nobody likes General Noriega. If we had a vote on the floor of the Senate about whether or not Noriega is a good person, whether we should be supportive of General Noriega, whether we like General Noriega, whether we want him to be retained in power in Panama, 100 Members of the Senate would vote against General Noriega.

But that is not precisely what we are about to vote on. What we are about to vote on is whether the President of the United States or anyone else in the Government can have any contacts at all for any reason with General Noriega with the two exceptions of arranging for his arrest or resulting in his departure from power.

I would like to see General Noriega arrested. I would like to see him put in prison and throw away the key. And I certainly would like to see him removed from power.

But the question is whether the Congress of the United States is overdoing it when we put in State Department authorization bills detailed restrictions on who can be contacted by

whom in the ordinary conduct of the foreign policy of the United States.

That is the only point that I am making, Madam President. I think that it weakens the position of the United States for Congress forever to be mucking around in the conduct of foreign policy in floor amendments. I think that it creates a weak President, a weak Executive, for the Congress of the United States to limit, prohibit, even discussions by the executive branch, even with people we do not like very much. When you think about it, many, many negotiations in foreign policy are between representatives of the United States and people we absolutely abhor. That is the sole point that I would like to make to the Senate today.

I take it that in this vote it will be about 99 to 1 in favor of the Helms amendment. But I for one simply wanted to make the point, as I have done in the past, that it does not serve the interests of the United States and it does not serve the interests of the foreign policy of this country for us to be putting these kinds of restraints on the executive in even initiating or making contact with various officials around the world.

Mr. MITCHELL. Madam President, will the Senator yield to me for 2 minutes?

Mr. DANFORTH. Yes.

Mr. MITCHELL. Madam President, we just had a vote on the Moynihan amendment. The principal argument against the Moynihan amendment was advanced by the distinguished Senator from North Carolina, who characterized it as an impermissible intrusion upon the authority of the President. He told us yesterday and he told us today we should not be telling the President what to do, what not to do; what to say, what not to say.

Now here comes the Senator from North Carolina with an amendment that not only tells the President who he can or cannot talk to, but tells the President what he can or cannot say.

As I read this amendment, if the President talks to General Noriega or anyone else for the purpose of issuing a warrant for his arrest or to result in his departure from power, he may do so. But on any other subject, the President is precluded from doing so.

This does it by means of cutting off the funds. But if I may ask my distinguished colleague, the author of this amendment, when it says "no funds authorized," does that include payment for a Government vehicle to transport a Government official to a meeting for this purpose, say, in an aircraft or an automobile?

Mr. HELMS. Madam President, this question cannot be answered yes or no. I will answer him in some detail.

Mr. MITCHELL. All right. Perhaps the Senator could do it on his time, then.

Mr. HELMS. That is exactly right. There is no inconsistency whatsoever. I am just a lonely, obscure, nonlawyer Senator. But this amendment is clear, the Moynihan amendment was clear, and they are different; as different as night and day.

Mr. MITCHELL. The Senator may be lonely and a nonlawyer, but he is not obscure.

Mr. HELMS. I thank the Senator.

Mr. MITCHELL. I merely point out that under this amendment, a Government official could not make a telephone call, could not ride in a car, could not ride in an airplane—including the President, could not use any Government funds unless it were for a particular purpose specified in the amendment.

Mr. HELMS. Will the Senator yield?

Mr. MITCHELL. Rarely—if I may just finish—rarely have I seen, scarcely can any Senator imagine a greater intrusion upon the authority of the President than for the Senate to tell him, not only to whom he can or cannot talk, but what he can or cannot say.

So I think for those who voted against the Moynihan amendment on the grounds that it intruded upon the authority of the President, I ask you to consider how you will vote on this amendment. All of us in public life, whose words are recorded, meet ourselves coming around the corner from time to time. But not often do Senators cast votes with such total inconsistency within such a short period of time. We ought to try to at least let one sunset and sunrise elapse between totally inconsistent votes.

Yet anybody who voted against the Moynihan amendment who now votes for this amendment is casting a vote that is diametrically opposite to that which was cast just a short time ago.

Mr. President, I understand the Senator from Maine wishes to speak. The Senator from Missouri controls the time.

Mr. COHEN. Will the Senator yield for a question?

Mr. MITCHELL. Certainly.

Mr. COHEN. I would like my colleague's legal interpretation. If the contacts were to be initiated through nonappropriated funds or from funds furnished through third countries, would that be permissible conduct on behalf of the President of the United States?

Mr. MITCHELL. I did not write this amendment.

Mr. COHEN. I am trying to figure out if there is any symmetry between the previous Moynihan amendment, which would allow the President to take this action provided it was third countries who supplied the funds. If in this case we had a situation where funds were not appropriated but were furnished by third countries, would

that allow the President to continue to talk to Mr. Noriega?

Mr. MITCHELL. I believe under this amendment it would. I believe the Senator, my distinguished colleague, is making a point very effectively. Why does the Senator not make the point? It is a very good one.

Mr. COHEN. I am just trying to follow up on the point made by my good friend from Maine. That is, on one hand we have criticism coming where we seek to pass laws which require the President to comply with the rule of law, and this is viewed as an intrusion into foreign policy. Yet we have the same thing here, but it is written so: only if funds are not authorized. In other words, the President cannot carry out these contacts through appropriated funds. The question arises could he, in fact, initiate contact with General Noriega through nonappropriated funds or through funding coming from third countries?

If that is the case, would that be, in fact, consistent with the position of the Senator from North Carolina as articulated in the Moynihan amendment?

Mr. MITCHELL. The Senator has made the point very effectively, that what we have done here is to say that the President cannot do this with the use of U.S. funds but if somehow he could go around and solicit them from some other source, he could engage in that type of activity.

That is the position of one who voted against the Moynihan amendment and for this. It is, I think, a situation not contemplated by the men who wrote the Constitution.

I thank my distinguished colleague.

The PRESIDING OFFICER. Has the Senator from Missouri yielded? He yielded time and he controls the time.

Mr. DANFORTH. Madam President, how much time do I have?

The PRESIDING OFFICER. The distinguished majority leader asked for a few minutes. Is the Senator yielding time?

Mr. DANFORTH. Madam President, do I have any remaining time?

The PRESIDING OFFICER. The Senator has 36 seconds.

Mr. DANFORTH. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes.

Mr. HELMS. I will say to my friend, the former Federal judge: let him call collect.

Madam President, I am just a little bit astonished that the distinguished majority leader and my friend from Missouri could possibly charge me with inconsistency. My opposition to the amendment by the distinguished Senator from New York [Mr. MOYNIHAN] was based on the fact that his amendment usurps the constitutional

powers of the President to conduct foreign policy. I stated then that Congress has the power of the purse. I said it yesterday over and over again. I said it today. And I will say it again. That is our power.

We do not have the power that Mr. MOYNIHAN bestowed upon the Congress of the United States to make policy a criminal act.

There is a great deal of difference. I stated as clearly as I knew how—

Mr. NICKLES. Will the Senator yield for a question?

Mr. HELMS. No, sir.

We could cut off U.S. Government funding, but we cannot touch the President's decision on policy if no U.S. Government funding is required. I said that with reference to Mr. MOYNIHAN's amendment. I say it to this one. I say to the distinguished Senator that the pending amendment is a cutoff of funds. It is an exercise of the power of the purse. It is our one recourse, under the Constitution. It is perfectly legitimate and constitutional.

Using nonappropriated funds for contacts would be consistent with the Helms amendment, but not consistent with the Moynihan amendment, contrary to what has been said here. Cutting off of funds is as far as we can go in the Congress. Maybe we would like to go farther, but we cannot and that is the point.

I am wondering if the distinguished majority leader and my friend from Missouri, Mr. DANFORTH, have read the amendment, particularly as modified. Let us read it all, just so everybody will understand what it says:

No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988, in the United States District Court for the Southern and Central Districts of Florida on drug related charges * * *.

I will say parenthetically that that is the policy of the Bush administration right now. That is where they stand right now. We are not telling them to do anything. We are just saying that underlings, such as the one I mentioned a while ago, the acting Ambassador from the United States to the Organization of American States, will be absolutely prohibited. But I do not make it a criminal act. I just say he cannot do it and he cannot use any funds.

A mountain is being made out of a molehill. But let me finish the amendment.

* * * unless the President determines and certifies to Congress that the contacts are intended to result in the departure of Noriega from power.

That is the policy of the Bush administration and I hope to God that

he will not change it. And I hope, similarly, that no Senator wants that policy changed. And that is what this amendment is about. There is no inconsistency whatsoever in my position on the Moynihan amendment, which, according to constitutional experts who have advised me, is patently unconstitutional, this amendment, which we do all the time. Who are the majority leader's people to talk about this amendment? They are the ones who cut off funds to the freedom fighters in Nicaragua and they caused the problem in Central America when they did so. Go look at the Boland amendments. So let us be consistent around this place and not charge somebody who is being consistent with inconsistency.

How much time do I have remaining, Madam President?

The PRESIDING OFFICER. The Senator has 5 minutes and 14 seconds.

Mr. HELMS. In the interest of letting Senators go home, I yield back the remainder of my time. Let us vote.

The PRESIDING OFFICER. The Senator from Missouri controls time.

Mr. DANFORTH. Madam President, I make just two points in my 36 seconds. First, even as amended, I am told that the administration opposes this amendment.

Second, if it is the intention of the U.S. Senate to get Noriega out, the clearest way to get him out is to facilitate possible discussions, and the clearest way to cement him in power, to freeze him in, is to absolutely prohibit any kind of flexibility by the administration in dealing with him.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from North Carolina yields his time back. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 37, nays, 62, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—37

| | | |
|-----------|-----------|-----------|
| Armstrong | Graham | McClure |
| Boschwitz | Gramm | McConnell |
| Breaux | Grassley | Murkowski |
| Burns | Harkin | Nickles |
| Coats | Hatch | Pressler |
| D'Amato | Heflin | Roth |
| DeConcini | Helms | Shelby |
| Dixon | Humphrey | Symms |
| Exon | Kasten | Thurmond |
| Ford | Kerry | Wallop |
| Fowler | Lieberman | Wilson |
| Garn | Lott | |
| Gore | Mack | |

NAYS—62

| | | |
|---------|----------|---------|
| Adams | Biden | Boren |
| Baucus | Bingaman | Bradley |
| Bentsen | Bond | Bryan |

| | | |
|-------------|------------|-------------|
| Bumpers | Hollings | Packwood |
| Burdick | Inouye | Pell |
| Byrd | Jeffords | Pryor |
| Chafee | Johnston | Reid |
| Cochran | Kassebaum | Riegle |
| Cohen | Kennedy | Robb |
| Conrad | Kerrey | Rockefeller |
| Cranston | Kohl | Rudman |
| Danforth | Lautenberg | Sanford |
| Daschle | Leahy | Sarbanes |
| Dodd | Levin | Sasser |
| Dole | Lugar | Simon |
| Domenici | McCain | Simpson |
| Durenberger | Metzenbaum | Specter |
| Glenn | Mikulski | Stevens |
| Gorton | Mitchell | Warner |
| Hatfield | Moynihan | Wirth |
| Heinz | Nunn | |

NOT VOTING—1

Matsunaga

So, the amendment (No. 278), as modified, was rejected.

Mr. MITCHELL. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. GORE. Madam President, I ask unanimous consent to change the figure cited in the pending amendment from 15 percent to 30 percent.

Mr. GRAMM. Madam Chairman, I object.

The PRESIDING OFFICER. Objection is heard.

VOTE ON AMENDMENT NO. 227

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the amendment by the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—20

| | | |
|----------|------------|----------|
| Breaux | Gore | Pell |
| Bumpers | Inouye | Pressler |
| Burdick | Kennedy | Pryor |
| Byrd | Leahy | Sarbanes |
| Cranston | Levin | Sasser |
| Exon | Metzenbaum | Simon |
| Ford | Mikulski | |

NAYS—79

| | | |
|-----------|-------------|------------|
| Adams | Danforth | Heflin |
| Armstrong | Daschle | Heinz |
| Baucus | DeConcini | Helms |
| Bentsen | Dixon | Hollings |
| Biden | Dodd | Humphrey |
| Bingaman | Dole | Jeffords |
| Bond | Domenici | Johnston |
| Boren | Durenberger | Kassebaum |
| Boschwitz | Fowler | Kasten |
| Bradley | Garn | Kerrey |
| Bryan | Glenn | Kerry |
| Burns | Gorton | Kohl |
| Chafee | Graham | Lautenberg |
| Coats | Gramm | Lieberman |
| Cochran | Grassley | Lott |
| Cohen | Harkin | Lugar |
| Conrad | Hatch | Mack |
| D'Amato | Hatfield | McCain |

| | | |
|-----------|-------------|----------|
| McClure | Riegle | Stevens |
| McConnell | Robb | Symms |
| Mitchell | Rockefeller | Thurmond |
| Moynihan | Roth | Wallop |
| Murkowski | Rudman | Warner |
| Nickles | Sanford | Wilson |
| Nunn | Shelby | Wirth |
| Packwood | Simpson | |
| Reid | Specter | |

NOT VOTING—1

Matsunaga

So the amendment (No. 277) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Tennessee be permitted to address the Senate for 2 minutes on the subject of the amendment just voted on.

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

The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I wish to serve notice that I intend to reoffer the amendment tomorrow to the same bill with the percentage change from 15 percent to 30 percent. The reason is that a number of colleagues expressed support for the principle contained in the amendment but felt that in light of past practice under administrations of both parties the percentage should be higher.

I also hope to continue to establish a record that will be useful when the Senate is next confronted with a nominee whose credentials are thin, who is clearly unqualified for the post for which that person is nominated, so that those who argue that the Senate has the remedy to abuses of the nominating process will then look more carefully at the qualifications of some of the people who are being sent over to use by this present administration.

But I do want to serve notice that during tomorrow's session I will introduce an amendment to the same bill worded as the amendment just defeated but with 30 percent instead of 15 percent.

I thank the majority leader for the unanimous-consent request.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, for the information of Senators there will be no further rollcall votes this evening.

However, Senators should be aware that there will continue to be debate and discussion on amendments.

Mr. PRESSLER. Mr. President, if it is necessary to have a rollcall vote,

could we get one early tomorrow morning?

Mr. MITCHELL. I was about to state that.

If any votes are ordered on amendments debated this evening they will be ordered for tomorrow morning.

It is my intention after discussion with the distinguished Republican leader, the chairman, and ranking member of the committee, to seek to obtain unanimous consent on the remaining amendments with time limits shortly.

Senators who have an interest in amendments should be present for that purpose or should communicate their intentions to the respective majority and minority staffs.

I understand the managers are prepared to consider an amendment or amendments now.

Mr. PELL. That is correct on our side.

Mr. MITCHELL. If they could proceed to do that with the understanding that when we have the proposed agreement ready, we could interject and try to get that agreement, that would be I believe, helpful to all concerned.

Mr. PRESSLER. That is fine.
The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

AMENDMENT NO. 280

(Purpose: Expressing the sense of the Congress on the Yugoslavian human rights situation)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. DOLE, Mr. D'AMATO, and Mr. DOMENICI, proposes an amendment numbered 280.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . HUMAN RIGHTS IN YUGOSLAVIA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press;

(3) the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in

the Socialist Autonomous Province of Kosovo;

(4) the human rights of all ethnic groups in Kosovo must be preserved;

(5) those human rights violations, in addition to recent actions taken to limit the social and political autonomy of Kosovo, have precipitated a crisis in that region;

(6) the response of the Government of Yugoslavia to that crisis was a police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

(7) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(8) the European Parliament of the European Community has condemned these actions by the Government of Yugoslavia.

(b) STATEMENT BY THE CONGRESS.—The Congress—

(1) expresses concern regarding human rights violations by the Government of Yugoslavia and its repressive handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Yugoslav Government to take all necessary steps to assure that further violence and bloodshed do not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in Yugoslavia; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives of Yugoslavia.

Mr. PRESSLER. Mr. President, I understood that the distinguished managers of the bill were prepared to accept this amendment regarding human rights in Yugoslavia. If that is the case, I wish to express my appreciation to the managers.

This amendment is quite similar to a resolution offered by Senators DOMENICI, D'AMATO, DOLE, and myself a few weeks ago.

It is identical to language adopted by the House during floor consideration of the foreign assistance authorization bill the week before last. It is also identical to an amendment adopted to the foreign assistance bill last week in the Foreign Relations Committee.

It is clear that there is a growing human rights problem in Yugoslavia. It affects Albanians, Croats, Slovenians, and other non-Siberian nationalities in that country.

I do not argue that there have been abuses against all sides, but I refer specifically to the recently issued Amnesty International report on Yugoslavia. The report details some of the torture and other violence that has occurred in the Province of Kosovo.

Mr. President, I urge all Senators to examine the May and June 1989 Am-

nesty International report on the Yugoslavian situation as well as the 1988 State Department country report on human rights practices on this subject.

As this amendment states, Yugoslavia is violating internationally accepted human rights standards with respect to certain ethnic minorities, particularly ethnic Albanians in Kosovo Province.

The European parliament has condemned these human rights abuses. The Congress of the United States should do the same.

I might say that the House, under the leadership of Congressman LANTOS and others, has adopted this identical amendment, as has the Foreign Relations Committee of the United States Senate.

This amendment basically takes the same position as the European Parliament.

The amendment expresses concerns about human rights violation in Yugoslavia, urges Yugoslavia to prevent further violence in Kosovo and fully observe the Helsinki Final Act and the United Nations Declaration on Human Rights. It requests our own Government to continue close monitoring of Yugoslavian human rights conditions and calls on the President to express these concerns of the Congress to representatives of Yugoslavia.

Mr. President, I urge the adoption of this amendment, and ask unanimous consent that Senators DOLE, DOMENICI, and D'AMATO be added as cosponsors.

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

Mr. PRESSLER. Mr. President, if this amendment is not accepted, I would like to ask for the yeas and nays and have them ordered for a time specific tomorrow.

Several Senators addressed the Chair.

Mr. PRESSLER. Mr. President, on this amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

The Chair recognizes the Senator from Maryland [Mr. SARBANES].

AMENDMENT NO. 281 TO AMENDMENT NO. 280

Mr. SARBANES. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 281 to the Pressler amendment numbered 280.

Strike all after "SEC. 862" and insert the following: "Human Rights in Yugoslavia."

Mr. PRESSLER. Mr. President, I did not yield the floor. Mr. President, I did not yield the floor.

Mr. President, a point of parliamentary inquiry.

The PRESIDING OFFICER. Once the yeas and nays were requested, the Senator yielded the floor with that particular request.

The clerk will read the amendment.

The assistant legislative clerk continued reading the amendment.

Mr. SARBANES. 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:

HUMAN RIGHTS IN YUGOSLAVIA.

(a) FINDINGS.—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) recent months have seen increased violence and social unrest in the Socialist Autonomous Province of Kosovo;

(3) the State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

(4) the Country Report also indicates that despite the Yugoslavian Government's efforts to provide for the equality of its citizens, some social prejudice continues to exist, particularly with regard to ethnic Albanians, and the Serbian minority in Kosovo has complained sharply of physical mistreatment and discriminatory practices on the part of the Albanian majority there;

(5) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(6) the human rights of all ethnic groups in Kosovo must be preserved.

(b) STATEMENT BY THE CONGRESS.—The Congress—

(1) expresses concern regarding human rights abuses, violence and ethnic unrest in the Kosovo province;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence does not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo;

(4) requests the President and the Department of State to continue to monitor closely the human rights situation in Kosovo;

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives in Yugoslavia.

Mr. SARBANES. Mr. President, I have had discussions earlier in the day

with the able and distinguished Senator from South Dakota that prompted a discussion I had with the very able Congresswoman from Maryland, HELEN BENTLEY of this issue. She makes the point, as in fact is made in the State Department's human rights report, that there have been allegations and complaints back and forth between the Serbian minority in Kosovo and the Albanian majority there.

There is a difficult human rights situation in Kosovo, and I believe the Senate must go on record with respect to it. I therefore think that the language must be worked out very carefully, and the language that I have just submitted I think accomplishes that.

On the 11th of July, Congresswoman BENTLEY made an extended statement in the CONGRESSIONAL RECORD, having just returned from a trip to Yugoslavia and a visit to Serbia.

I am not trying to determine the rights and wrongs of these disputes. I think that we need to recognize the difficult situation there on the human rights front and call on Yugoslavia to abide by its Helsinki commitments, as the Senator from South Dakota has done.

What we have done in this perfecting amendment—and I will quote from it now for the benefit of the Senate—is to find that:

The United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

Recent months have seen increased violence and social unrest in Kosovo;

The State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

The Country Report also indicates that despite the Yugoslavian Government's efforts to provide for the equality of its citizens, some social prejudice continues to exist, particularly with regard to ethnic Albanians, and the Serbian minority in Kosovo has complained sharply of physical mistreatment and discriminatory practices.

So there are many allegations back and forth.

We also find that:

These human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia * * *;

The human rights of all ethnic groups in Kosovo must be preserved.

The perfecting amendment then goes on with the statement by the Congress expressing concern regarding human rights abuses; urging the Government of Yugoslavia to take steps to assure that further violence does not occur; urging the Government of Yugoslavia to observe the Helsinki Final Act and the U.N. Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo; requesting the President and the Department of State to continue

to monitor closely the human rights situation; and calling upon the President to express the concerns of the Congress through appropriate channels to representatives in Yugoslavia.

Mr. President, this language focuses on the human rights issue, expressed the very deep concern of the Congress about it, and references the State Department Country Report which sets forth a number of the human rights practices about which we are concerned, and which violate internationally accepted human rights standards. By referencing that report, we bring in the exposition that the State Department has made with respect to the human rights situation in Yugoslavia while in effect, broadening it to cover all ethnic groups and all minorities there, and pressuring Yugoslavia to respond with respect to all of its people.

I hope that this perfecting amendment will be found acceptable and that this matter can be disposed of, thus putting the Senate on record with respect to the human rights situation in Yugoslavia.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wish to point out to the Senate that my amendment discusses "the human rights of all ethnic groups in Kosovo." It mentions the Albanian ethnic minority and all other national groups in Yugoslavia.

The Amnesty International report mentions specifically some of the torture that has occurred against Albanians. I see very little change in my colleague's version of the amendment, except that he has added a reference to undocumented complaints by the Serbian minority.

My amendment, as filed, mentions all other ethnic groups. My amendment urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia.

This is the exact language that passed the House. It has been crafted in part by Congressman TOM LANTOS. It has passed the Senate Foreign Relations Committee.

We had agreement of the bill's managers to accept the amendment on the floor. I am sorry that the Senator from Maryland feels that my amendment takes sides. It does not. That much is quite clear from reading the amendment. Two rollcall votes on this really runs against my grain and is not my style, but we may have to proceed along those lines.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. SARBANES. Mr. President, I commend to my colleague Congresswoman BENTLEY's statement of the 11th of July. It seems to me that the perfecting amendment avoids the problem of being too one-sided and still gets at the human rights problem that exists in Yugoslavia, which I think we need to address.

I commend the perfecting amendment to my colleague as a way of resolving this matter and essentially accomplishing his purpose without, at the same time, creating needlessly, in my view, a further problem. Let me just quote from Congresswoman BENTLEY's letter.

She says, "The amendment"—referring to the language that was originally offered—"does not take into account the suffering of the Serbians at the hands of Albanian separatist terrorists." She then goes on to reference the burning of the ancient Patriarchate of Pec, the See of the Patriarchs of the Serbian Orthodox Church.

I do not really want to get into the middle of what is obviously a very difficult situation in terms of the ethnic enmities and rivalries which have existed for a very long period of time and have very strong historical antecedents.

It seems to me the way to accomplish our purpose here without becoming embroiled in that problem is to take the perfecting language which references the State Department's human rights report—which, incidentally, does make reference to practices on both sides—and then put us very strongly on record expressing our concern about human rights abuses. The language goes on to urge the Government of Yugoslavia to take necessary steps to assure no further violence; urges it to observe the Helsinki Final Act and the U.N. Declaration on Human Rights; requests the President and the Department of State to monitor closely the human rights situation in Kosovo; and calls upon the President to express these concerns through appropriate channels to representatives in Yugoslavia.

It seems to me this language achieves what the Senator from South Dakota is trying to achieve. I really have no difference with him on that purpose without drawing us into this other issue about what I have heard from Congresswoman BENTLEY. I mean I would prefer not to make a judgment on the relative merits of the alternative arguments.

Mr. PRESSLER. Will my friend yield for a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. SARBANES. Certainly I yield for purposes of a question.

Mr. PRESSLER. With the greatest respect, is it not true that the second

and third points of my amendment refer to the Department of State 1988 Country Report on Human Rights Practices, which cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly, fair trial, and freedom of speech? Is it not true that the Country Report also indicates these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo?

Mr. SARBANES. But what the Senator has done is he has taken the State Department Human Rights Report and excerpted from it certain parts. What I think is fair and what ought to be done is to reference all of the report, which is what the perfecting amendment does. That, then, avoids our being drawn into the dispute.

The State Department has, in fact, referenced a range of human rights abuses involving both ethnic groups. To take only part of them or take it on one side, it seems to me, does not give a full picture.

I am trying to argue that position as much as I am trying to simply reference the entire report to avoid being drawn into that matter, and then to continue with a very strong statement about the concern of the Congress with respect to human rights abuses. Those violations ought not to be happening.

They may be happening on both sides and, in fact, the State Department notes that that may be the case.

Mr. PRESSLER. Mr. President, we have not seen the amendment. Perhaps to save the time of the Senate, we could see it to determine whether we could work the language out? My friend's amendment closely tracks mine in most respects?

Mr. SARBANES. I am sorry. I thought a copy had been delivered to the Senator. I will certainly take care of that right now.

Mr. PRESSLER. I do not want to delay the Senate's business. I would be willing, if it would be useful, to withdraw my amendment, perhaps work out something, and reoffer it tomorrow, if that is agreeable.

I do not think we are very far apart. If my colleague prefers to go forward with votes, I also am prepared to do that.

Mr. SARBANES. I am prepared to try to work something out. Why do we not leave it in the form in which it finds itself. I think, upon examining the amendment, the Senator may well reach the conclusion that it accomplishes his purposes, without drawing the Senate into trying to make a determinative judgment about a difficult ethnic conflict.

My problem is we cannot excerpt from the report part of the problem without referencing all of the problem.

Mr. PRESSLER. For example, part 4 of the Senator's amendment, which has been handed to me, mentions the Albanians. It is identical to my amendment. It says:

The Country Report also indicates that despite the Yugoslavian Government's efforts to provide for the equality of its citizens, some social prejudice continues to exist, particularly with regard to ethnic Albanians, and the Serbian minority in Kosovo has complained sharply of physical mistreatment.

Now, the Serbian minority, is that part of the Country Report?

Mr. SARBANES. That is right, page 1264.

Mr. PRESSLER. They have complained, but is that a factual finding? It is our understanding that the Country Report made a finding regarding the Albanians, but simply identified complaints of the Serbian minority.

Is it my friend's effort to add the word "Serbian" to the amendment? Is that the intent of his perfecting amendment?

Mr. SARBANES. I am happy to strike paragraph 4, if that makes the Senator feel any better about it. Perhaps we can agree on it and then just reference the Country Report and go on to the fact that the human rights abuses entailed in the Country Report violate the high ideals mentioned in paragraph 5: "The human rights of all ethnic groups in Kosovo must be preserved." And strike out the specific references in 4 which were intended to make the point that we have one ethnic group complaining about its treatment from the other and then we have the other ethnic group complaining about its treatment from the first.

If that would resolve the matter, we could strike paragraph 4 and simply reference the State Department's Country Report, which is in paragraph 3. Then we do not have to get into the specifics.

Mr. PRESSLER. That would be agreeable to me. I have no problem with that.

Mr. SARBANES. If we do that, can we then go ahead and agree to this amendment and resolve the matter?

Mr. PRESSLER. Yes, as far as I am concerned. I do not think we have substantially changed it. If that would make the Senator from Maryland happy, that is agreeable to me.

AMENDMENT NO. 281 AS MODIFIED

Mr. SARBANES. Mr. President, I ask unanimous consent to modify the perfecting amendment by striking paragraph (a)(4), which begins: "The Country Report also indicates that"; strike that entire paragraph and renumber the following paragraphs 4 and 5.

The PRESIDING OFFICER. The Senator has the right. The perfecting amendment will be modified accordingly.

Amendment No. 281, as modified, is as follows:

HUMAN RIGHTS IN YUGOSLAVIA.

(a) FINDINGS.—The Congress finds that—
(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) recent months have seen increased violence and social unrest in the Socialist Autonomous Province of Kosovo;

(3) the State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

(4) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(5) the human rights of all ethnic groups in Kosovo must be preserved.

(b) STATEMENT BY THE CONGRESS.—The Congress—

(1) expresses concern regarding human rights abuses, violence, and ethnic unrest in the Kosovo province;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence does not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo.

(4) requests the President and the Department of State to continue to monitor closely the human rights situation in Kosovo; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives in Yugoslavia.

Mr. SARBANES. Mr. President, I am prepared to go ahead and adopt that amendment and conclude the matter.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Maryland to the amendment of the Senator from South Dakota.

The amendment (No. 281), as modified, was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 280), as amended, was agreed to.

Mr. SARBANES. 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. The Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I do want to commend the distinguished

Senator from South Dakota for his leadership on this issue. As I explained to him earlier, my own involvement was essentially brought by the representations made to me by my able and distinguished colleague from Maryland, Congresswoman BENTLEY, who based them on a recent trip that she made. I think we are better off now without having actually gotten into the details. We have referenced the State Department human rights study. We have adopted essentially the Senator's version of the statement by the Congress. I think it is an important contribution on the human rights front.

I thank the Senator.

Mr. PRESSLER. I thank my colleague from Maryland. I enjoy working with him on the Foreign Relations Committee. He is always thoughtful, articulate, and very concerned about human rights. I am glad we were able to work this out.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I strongly support the Helms/Grassley PLO amendment prohibiting American diplomats from negotiating with representatives of the PLO who were involved in the death, injury, or kidnapping of an American citizen. It is unfortunate that an amendment such as this is necessary, but it is.

This amendment is consistent with title 13 of this bill, called the PLO Commitments Compliance Act of 1989, which I offered as an amendment to the bill in Foreign Relations Committee. The central purpose of the PLO Commitments Compliance Act is to hold the PLO to its commitments to recognize Israel and renounce terror. Both the provision in the bill and the amendment before us attempt to make sense of our policy of talking to the PLO. Both try to make this policy consistent with our support for the freedom and security of our closest ally in the region, Israel, and our opposition to terrorism wherever it may occur.

Mr. President, I would like to believe that President Bush was not aware that his representative would be meeting with Salah Khalaf, the No. 2 man in the PLO and a founder of Black September, one of the most vicious terrorist factions we have ever seen. I would like to believe that if he was aware of and approved this meeting, that he did not know the crimes which this man is responsible for against American citizens, and the citizens of American allies.

Because I believe that President Bush meant it when he said that "Terrorism is a crime, and terrorists must be treated as criminals." I believe that he meant it when he said that "Rewarding terrorism will only encourage more terrorism." I believe he meant it

when he said "We will bring terrorists to justice."

Salah Khalaf is not a diplomat. He is a terrorist. He should, as President Bush said, be treated as a criminal and brought to justice. He should not, as President Bush said, be rewarded.

Nor is Salah Khalaf the only terrorist with whom we are talking. A regular participant in our dialog with the PLO is Yasser Abed Rabbu identified in the November 1988 Defense Department publication "Terrorist Group Profiles" as the "number two man" in the DFLP, the Democratic Front for the Liberation of Palestine.

The Defense Department report describes the DFLP as a "Marxist-Leninist and pro-Soviet group which believes that the Palestinian national goal cannot be achieved without a revolution of the working class * * *". The report says that "the DFLP opposed the agreement between Yasir Arafat and King Hussein that called for a joint PLO-Jordanian position on peace negotiations with Israel."

The report also states that the DFLP "receives training in the Soviet Union and aid from Cuba and is in contact with members of the Nicaraguan Sandinista Liberation Front."

I will ask unanimous consent that excerpts from the report "Terrorist Group Profiles" be included in the RECORD following my remarks.

Mr. President, do we not have a human obligation to the mothers and fathers of the children who died at the direction of this man, Yasser Abed Rabbu, to help bring him to justice rather than treat him as a diplomat?

I do not know if the DFLP was implicated in the deaths of any Americans. But I do not think we should be talking to anybody who deliberately slaughters innocent children.

Just as I would hope that no ally of ours would talk to terrorists who kill Americans, we should not talk to terrorists who murder citizens of our allies, such as Israel. This is not just a matter of courtesy, but of an internationally coordinated approach to combating terror.

In closing, I am not in principle opposed to conveying our views to the PLO in a responsible manner, especially if the PLO actually makes fundamental changes transforming its terrorist nature, rather than simply adjusting its rhetoric. It seems to me that this message can be conveyed without talking to people responsible for the deaths of Americans or innocent civilians in allied nations.

I commend the Senator from North Carolina for his amendment and urge its adoption.

I ask unanimous consent that the excerpts to which I referred be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE [DFLP]

Date formed 1969.

Estimated membership 500.

Headquarters previously Syria, presently unknown.

Area of operations Lebanon and Israel.

Leadership Naif Hawatmeh, who depends heavily on Yasser Abed Rabbu, Qais Samarrah (Abu Leila), and Abd-al-Karim Hammad (Abu Adnan).

Other names Popular Democratic Front for the Liberation of Palestine (PDFLP).

Sponsor Syria has provided some support, but the DFLP is intensely independent.

Political objectives/target audiences.—seek revolutionary change in the Arab World, especially in the conservative monarchies, as a precursor to the achievement of Palestinian objectives; advocate an international stance that places the Palestinian struggle within a general world context of liberation in Africa, Asia, and Latin America; repeatedly affirm its "hostility and resistance" to US policy in the region, its support for the nonaligned block, and its solidarity with all national liberation movements that fight against "imperialism" and racism.

BACKGROUND

The DFLP is Marxist-Leninist and pro-Soviet and believes that the Palestinian national goal cannot be achieved without a revolution of the working class; elite members of the movement should not be separated from the masses, and the lower classes first should be educated in true socialism to carry on the battle.

At the spring 1977 Palestine National Council meeting, the DFLP gave full support to the Palestine national program, seeking creation of a Palestinian state from any territory liberated from Israel.

In mid-1979, the DFLP reportedly experienced an upsurge in its membership and an accompanying increase in influence. Although it remained a member of the Executive Committee of the Palestine Liberation Organization (PLO), the DFLP cooperated increasingly with anti-Arafat Palestinian extremists.

The DFLP strongly disapproved of the PLO leadership's failure to take more severe action against Anwar Sadat after his peace initiative.

Furthermore, the DFLP signed the Tripoli declaration in 1983, rejecting the Reagan and Fez peace plans and contact with the Israelis. The DFLP also did not support the Fatah rebels in 1983 or 1984, believing that their movement was damaging to the Palestine cause. In addition, the DFLP opposed the agreement between Yasir Arafat and King Hussein that called for a joint PLO-Jordanian position for peace negotiations with Israel.

The DFLP refused to join the Syrian-created Palestine National Salvation Front, but the Popular Front for the Liberation of Palestine (PFLP) did, leading to the breakup of the "Democratic Alliance" between the DFLP and PFLP.

DFLP operations always have taken place either inside Israel or the occupied territories. Typical acts are minor bombings and grenade attacks, as well as spectacular operations to seize hostages and attempt to negotiate the return of Israeli-held Palestinian prisoners.

Prior to the rift following the March 1987 Palestine National Council meeting in Algiers, Syria had provided most of the DFLP's outside support. The DFLP receives

training in the Soviet Union and aid from Cuba. The DFLP is also in contact with members of the Nicaraguan Sandinista Liberation Front.

SELECTED INCIDENT CHRONOLOGY

May 1974.—Took over schoolhouse and massacred Israelis in Ma'alot after infiltrating using uniforms that resemble those of the Israel Defense Forces (IDF). Murdered 27 Israelis and wounded a total of 134.

November 1974.—Attacked the town of Bet She'an in Israel. Three terrorists barricaded themselves in a building with handgrenades and Kalashnikov rifles and demanded the release of 15 Palestinians.

July 1977.—Implicated in several bombings in Jerusalem and Tel Aviv.

January 1979.—Attempted to seize 230 civilians at a guest house in Ma'alot. The three terrorists, armed with Kalashnikovs and handgrenades, were killed by a routine IDF patrol.

March 1979.—Claimed responsibility for planting bombs in Israeli buses to protest President Carter's visit to Israel.

March 1982.—Claimed responsibility for a grenade attack in the Gaza Strip that killed an Israeli soldier and wounded three others.

February 1984.—Claimed responsibility for a grenade explosion in Jerusalem that wounded 21 people.

September 1985.—Attacked an Israeli bus near Hebron on the West Bank.

March 1986.—Several guerrillas, wearing IDF uniforms, attempted to infiltrate from Lebanon into Israel but were intercepted by an Israeli patrol.

May 1988.—Threw molotov cocktail at Industry and Trade Minister Ariel Sharon's car. Security forces uncovered several terrorist squads of DFLP and charged them with terrorist activities.

SCHEDULE

Mr. MITCHELL. Mr. President, the respective staffs are working on preparing lists of amendments intended to be offered. It is clear, as so often happens in the legislative process, that the list is a lengthy one. It will, apparently, not be possible to prepare it in form sufficiently complete to present this evening.

Accordingly, Senators should be aware that it is my intention, following consultation with the distinguished Republican leader and the managers, to, upon recess of the Senate this evening, have the Senate come in tomorrow morning at or about 9:15 a.m. and that following only brief time for leaders to go back to this bill, and at that point which would be shortly after 9:15, to propound this unanimous-consent request. Senators who are interested should be aware of that.

We will attempt to identify and obtain time limitations on such amendments as are intended to be offered as of tomorrow morning early. Senators should also be aware that it is my intention, it is my hope, that we can complete action on this bill tomorrow which means that tomorrow will be a lengthy session with the possibility of several rollcall votes, and Senators should be prepared for that in

arranging their schedules for tomorrow.

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.)

MESSAGES FROM THE HOUSE

At 3:19 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 joint resolutions, without amendment:

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day"; and

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day".

The message also announced that the House has passed the following bills, and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 875. An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia;

H.R. 919. An act to increase the site 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;

H.R. 1860. An act to provide that a Federal annuitant or former member of the 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 offset from pay and other benefits;

H.R. 2431. An act to redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility"; and

H.J. Res. 221. Joint resolution to designate the week beginning September 1, 1989, as "World War II Remembrance Week".

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 875. An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia; to the Committee on Energy and Natural Resources.

H.R. 919. An act to increase the site 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; to the Committee on Energy and Natural Resources.

H.R. 2431. An act to redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility"; to the Committee on Governmental Affairs.

H.J. Res. 221. Joint resolution to designate the week beginning September 1, 1989, as "World War II Remembrance Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1860. An act 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.

MEASURES ORDERED HELD AT THE DESK

The following joint resolution, previously received from the House of Representatives for concurrence, was ordered held at the desk by unanimous consent:

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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 54. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such act without supervision, and for other purposes (Rept. No. 101-79).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1347. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize development and security assistance programs for fiscal year 1990, and for other purposes (Rept. No. 101-80).

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. BIDEN (for himself, Mr. ROTH, Mr. COHEN, Mr. MITCHELL, Mr. SIMON, Mr. DECONCINI, Mr. BURDICK, Mr. BOND, Mr. HEFLIN, Mr. HATCH, Mr. REID, Mr. GORE, Mr. BRYAN, Mr. KOHL, Mr. PELL, Mr. LIEBERMAN, Mr. CRANSTON, Mr. HOLLINGS, Mr. GRAHAM, Mr. SANFORD, Mr. LEVIN, Mr. GLENN, Mr. GRASSLEY, Mr. DIXON, Mr. FORD, Mr. CONRAD, Mr. DODD, Mr. NUNN, Mr. ADAMS, Mr. EXON, and Ms. MIKULSKI):

S. 1338. A bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. PRYOR):

S. 1339. A bill to amend title XIX of the Social Security Act to continue Medicaid financing of daytime habilitation services in certain States; to the Committee on Finance.

By Mr. SPECTER:

S. 1340. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide for an Inspector General of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 1341. A bill to provide certain administrative authority and requirements relating to the Arizona Veterans Memorial Cemetery; to the Committee on Veterans' Affairs.

By Mr. SANFORD:

S. 1342. A bill to suspend temporarily the duty on ranitidine hydrochloride; to the Committee on Finance.

By Mr. WIRTH:

S. 1343. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1344. A bill to amend the Internal Revenue Code of 1986 to allow insurance companies to be consolidated with noninsurance companies; to the Committee on Finance.

By Mr. GORE:

S. 1345. A bill to provide for the continuous assessment of critical trends and alternative futures; to the Committee on Government Affairs.

By Mr. BRYAN (for himself and Mr. GRAHAM):

S. 1346. A bill to amend the Communications Act of 1954 regarding the broadcasting of certain political matter, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL, from the Committee on Foreign Relations:

S. 1347. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize development and security assistance programs for fiscal year 1990, and for other purposes; placed on the calendar.

By Mr. BAUCUS:

S. 1348. A bill to amend the Disaster Assistance Act of 1988 to require the Secretary of Agriculture to establish separate payment rates for the 1988 crops of feed barley and malting barley for purposes of deter-

mining the amount of any refund of advance deficiency payments payable by producers of such crops, to require the Secretary to conduct a study of the impact of establishing separate payment rates for the 1989 and subsequent crops of feed barley and malting barley for purposes of determining the amount of deficiency payment payable to producers of such crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR:

S. 1349. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

By Mr. BYRD:

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. DIXON, Mr. THURMOND, Mr. HEFLIN, Mr. WILSON, Mr. GRASSLEY, Mr. HATCH, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOND, Mr. BOSCHWITZ, Mr. BREAUX, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DOMENICI, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. SYMMS, Mr. WALLOP, and Mr. WARNER):

S.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DECONCINI (for himself and Mr. DURENBERGER):

S. Con. Res. 54. Concurrent resolution relating to a White House Conference on Water Resources; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. ROTH, Mr. COHEN, Mr. MITCHELL, Mr. SIMON, Mr. DECONCINI, Mr. BURDICK, Mr. BOND, Mr. HEFLIN, Mr. HATCH, Mr. REID, Mr. GORE, Mr. BRYAN, Mr. KOHL, Mr. PELL, Mr. LIEBERMAN, Mr. CRANSTON, Mr. HOLLINGS, Mr. GRAHAM, Mr. SANFORD, Mr. LEVIN, Mr. GLENN, Mr. GRASSLEY, Mr. DIXON, Mr. FORD, Mr. CONRAD, Mr. DODD, Mr. NUNN, Mr. ADAMS, Mr. EXON, and Ms. MIKULSKI):

S. 1338. A bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. DIXON, Mr. THURMOND, Mr. HEFLIN, Mr. WILSON, Mr. GRASSLEY, Mr. HATCH, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOND, Mr. BOSCHWITZ, Mr. BREAUX, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DOMENICI, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCLURE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. SYMMS, Mr. WALLOP, and Mr. WARNER):

S.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

(The remarks of Senators on the introduction of this legislation and the text of the legislation is printed earlier in today's RECORD.)

By Mr. COHEN (for himself and Mr. PRYOR):

S. 1339. A bill to amend title XIX of the Social Security Act to continue Medicaid financing of daytime habilitation services in certain States; to the Committee on Finance.

PRESERVING DAY HABILITATION SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. COHEN, Mr. President, I am proud to introduce today legislation to protect day habilitation services currently being provided to developmentally disabled people in many States.

What are habilitation services? Habilitation services teach daily living skills to developmentally disabled people—individuals with mental retardation or related conditions. The people served by these programs live with their parents or in boarding homes. They can, if we continue to help, lead dignified lives outside of an institution. I would like to tell you about some of the people served by

this program in my home State of Maine.

I know of a man who is 24 years old and lives at home with his mother in Patten, ME. He was hit by a car at the age of 2 and was left brain damaged and physically disabled. He uses an electric wheelchair and does not have use of his arms or legs. He could only communicate by blinking before entering a habilitation program. Since taking part in a program run by the Green Valley Association, he has learned to communicate by pointing at objects or pictures on a board which he keeps in his lap. He can point toward the kitchen to say he wants food or toward the bathroom to communicate the need to use the toilet.

Another Mainer, a woman from Crystal, is now in a day habilitation program because of the effects of brain tumors. Twelve years ago, she was married, working as a bookkeeper and living in her own home. Unfortunately, however, the brain tumors left her unable to work or to live on her own and, when her husband died, she had to give up her home. She now lives in a boarding home and is learning daily living skills such as how to dress, bathe, and cook through the day habilitation program.

There are other people who are taken even further toward living independently through day habilitation programs. These people learn personal habits and how to control their behavior in order to be able to work. They also learn how to maintain a checking account, shop for groceries, and how to manage other activities that are part of being independent and self-sufficient.

Day habilitation programs in my State and many others give the developmentally disabled the means to live as fully and as freely as is possible for them. Without such day habilitation programs, the people I have just discussed may not have had the opportunity to learn to express or to help themselves. In some families with developmentally disabled children or dependents, breadwinners would have to quit jobs if there were no day habilitation services. For many developmentally disabled persons, the lack of habilitation services would leave them no choice but to reside in a large institution.

This legislation is needed to protect the developmentally disabled from being denied services which help them to live as independently and self-sufficiently as possible. The Health Care Financing Administration [HCFA] has approved many State Medicaid plans for the provision of day habilitation services to the developmentally disabled. However, HCFA is now claiming that its approval was a mistake in the cases of Arkansas, Massachusetts, and my home State of Maine—and is likely to make similar claims affecting pro-

grams in a number of other States as well. Indeed, I know that my colleague from Arkansas, Senator PRYOR, has been concerned by this matter and intends to pursue related legislation. I look forward to working with him and with other members of the Finance Committee in this regard. The bill that I am introducing today would protect programs already approved by HCFA until regulations are published that specify just what day habilitation services can and cannot receive Federal funding under the Medicaid Program.

I believe that this legislation is essential to ensure that the developmentally disabled do not have to pay for what may or may not be a mistake on the part of HCFA. Programs of day habilitation services allow the developmentally disabled to learn daily living skills. It is a humane and cost-effective way to provide the greatest degree of freedom to the developmentally disabled. By passing this legislation, we, in Congress, will be telling the mentally retarded and their families that we care about them. It will tell them that we will not force them to bear the pain of an arbitrary decision by a Federal agency. It will tell them that we will be providing the services that they depend on unless and until HCFA can justify why the Federal Government cannot pay for these services.

This legislation would go one step further. It would allow States which already operate day habilitation programs to convert their programs to make use of Medicaid home- and community-based waiver authority. In this way, those mentally retarded who already benefit from these valuable programs can continue to do so.

I believe it would be unfair to allow HCFA to deny funding for these programs without first having to publish regulations. I also believe that it would be shortsighted to deny services to those mentally retarded who have benefited from these programs. The mentally retarded and their families, however, are not the only ones who would benefit from this legislation. If maintaining these services will keep the mentally retarded from having to be institutionalized unnecessarily or will reduce the pressure to build more institutions, we all benefit.

There are, of course, more important benefits to continuing programs which help the developmentally disabled individuals to realize their fullest potential and self-sufficiency. These efforts give developmentally disabled individuals opportunity and hope. That is why we really cannot afford to retreat from these important efforts despite the fact that a Federal agency has made an abrupt and ill-considered about-face in interpreting the statutes governing the Medicaid Program. To the contrary, it behooves the Congress to go on record in support of the kind

of work that day habilitation programs can accomplish by supporting this legislation and by pursuing further improvements in the Medicaid Program.

Mr. President, I urge my colleagues to support this legislation which would enable very worthwhile day habilitation programs to continue to help the developmentally disabled to live more fully and freely.

By Mr. SPECTER:

S. 1340. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide for an Inspector General of the Federal Bureau of Investigation; to the Committee on the Judiciary.

FEDERAL BUREAU OF INSPECTION INSPECTOR
GENERAL ACT OF 1989

Mr. SPECTER. Mr. President, today I am reintroducing a bill which I first introduced on February 19, 1988, as S. 2076. This bill would amend the Inspector General Act of 1978 by including the creation of a statutory inspector general for the Federal Bureau of Investigation. This bill is being reintroduced at this time in light of the Intelligence Committee's report on the Committee in Solidarity with the People of El Salvador [CISPES].

In consonance with the 1978 act, this inspector general would be nominated by the President and confirmed by the Senate, similar to 24 other existing inspector generals in government today, and would have the authority and duty to inspect, investigate and audit—independently—every phase of the FBI's activities. The result of these inspections, investigations and audits would be reported to the Director of the FBI, the Attorney General, and to the appropriate committees of the Congress.

I believe this new office will well serve the FBI by promoting consistency in its interpretation and enforcement of existing guidelines for the investigation of Federal criminal acts and foreign espionage activities. Current allegations; that the Federal Bureau of Investigation in recent years may have overstepped its bounds by investigating a wide array of lawful domestic political and religious groups raises a fundamental question about the effectiveness of the FBI's current system of internal oversight. After all of the lessons of the past, it is startling that we still do not have in place a statutory inspector general as we do in so many other branches of Government, which in my view is essential to effective oversight.

Embarrassing episodes provide ammunition for critics of the FBI and of the U.S. Government, and realistically viewed undermines the activities of the FBI. We can be sure that the claims being leveled by some against the FBI are being widely circulated in the press in foreign countries and

being used to undermine the legitimate activities of the FBI. In Judge Webster, and now in Judge Sessions, we have selected FBI Directors who have a proven understanding of the Constitution and the rule of law, and a demonstrated respect for the principles of individual freedom upon which this country was founded.

But it is not possible for the Director of the FBI or any one individual to manage personally the vast oversight necessary for such an organization. Judge Webster was quoted as saying that certain activities invoking criticism of the FBI were not of a sufficient nature to come to his personal attention. That, Mr. President, is why additional oversight within an organization like the FBI is necessary.

I am personally convinced that, with extremely few exceptions, the men and women of the FBI share that respect for law of men like Judge Webster and Judge Sessions, and that the men and women are loyal, hardworking Americans who are dedicated to upholding the laws and Constitution. We owe them a debt of gratitude for their untiring fight against crime and their enormously successful efforts to counter the growing threat of domestic and international terrorism and foreign espionage.

I personally have had the opportunity to work with many members of the Federal Bureau of Investigation as assistant counsel for the Warren Commission in 1964. I also worked with members of the FBI on the preparation of complex cases as an assistant district attorney in Philadelphia and later for 8 years as district attorney. I know of their competence, their dedication, and their capability.

Sometimes, however, a complex organization does not work as designed because the design itself is flawed. We must build more checks and safeguards into our powerful government organizations so that we are not relying on one well-intentioned, but greatly overburdened, official at the top to keep an entire organization on course. We saw the problems of this structure with the CIA in the Iran-Contra affair. By creating independent inspectors general, we can ensure the trust and credibility we expect of our intelligence or law enforcement agencies like the FBI and the CIA and, in turn, our entire government.

It seems clear that there was a lack of overall direction in some of the FBI's investigations of domestic political and religious groups over the past several years. As recently as 1984, one FBI document reflected the views of the Denver and New Orleans FBI field offices that "in spite of attempts by the Bureau to clarify guidelines and goals for this investigation, the field is still not sure of how much seemingly legitimate political activity can be monitored." Why was there such con-

fusion and what did the FBI do internally to address it? Who was watching the watchdogs, as they proceeded with their investigations, unsure of the bounds of the law?

More recently, at the instigation of the Senate, the FBI's Inspection Division undertook an internal investigation of the FBI's Terrorism Section's performance in investigating the Committee in Solidarity with the People of El Salvador [CISPES]. That report makes clear that if there were an effective system of management and administrative oversight in place for cases involving First Amendment rights, the Bureau's 1983-85 investigation of CISPES might have been avoided.

In 1982, the FBI's Inspection Division identified and reported deficiencies in the FBI's terrorism section's policy structure and training. While it recommended corrective action, those actions were not effectively implemented because of internal disagreement and the lack of a followup system by the Inspections Division which was designed to serve the Director in a management oversight role. This situation reflects weaknesses in a system where FBI actions could adversely impact the First Amendment rights of Americans. It would be difficult to state with a high degree of confidence that today's FBI Inspection Division would serve the role for which it was intended.

In November 1988, the General Accounting Office [GAO] noted some improvements in the FBI's inspection capabilities since 1979. Nonetheless, the GAO has recommended that the head of the FBI's Inspection Division be independent in order to ensure permanency in the position and to "avoid instances where leaders of the division may not be willing to report situations or make recommendations consistent with what should be done because of their concern about their future careers as a result of presenting bad news to the leadership." I agree with this statement for a number of reasons.

The legislative branch plays an important oversight role with respect to the FBI, but usually after the fact. Two congressional committees from each house of Congress have overlapping oversight responsibility for FBI activity. The two Judiciary Committees oversee FBI activity relating to criminal law enforcement, while the two intelligence committees oversee FBI activities relating to foreign counterintelligence and international terrorism. The dividing line is not always so neat, however, and many cases involve both of these spheres. The Attorney General's guidelines under which the FBI operates differ significantly depending on whether a criminal investigation or a foreign counterintelligence investigation is involved.

The latter guideline is classified, and that is a matter which will be the subject of scrutiny and inquiry by the intelligence committees. The FBI's decision to use one guideline or the other determines which congressional committee will exercise oversight of the FBI involvement.

It is a complicated system, with many opportunities for things to go wrong. As we have seen, they do go wrong, even with strong leadership, and the largely post-facto congressional oversight which realistically viewed is structurally insufficient to catch and correct small errors of judgment and policy before they become on some occasions embarrassing disasters. Simply put, the FBI's authority is so great, its potential for abuse or miscalculation so high, and its organizational structure so complex that independent internal monitoring on a day-by-day basis is essential. This is the case with 108 other governmental agencies, and perhaps among that list the FBI would rank high in its requirement of, and the necessity for, an independent inspector general.

I feel very strongly that we in Congress should protect our intelligence and law enforcement agencies from being scapegoats for every policy failure or unsuccessful venture by our Government. We can only do this, however, if our constituents are confident that these agencies are adequately monitored—the public confidence is vital—and that we in Congress are willing to take steps to correct mistakes when they are made, and make structural changes in the designs of organizations like the FBI or CIA. The current system of oversight is inherently incapable of providing us with the information we need in order to do this.

Statutory inspectors general already are providing an independent internal system of checks and balances for 24 departments and agencies of the Federal Government. The Comptroller General, who inspects these IG's, has concluded that they are serving the executive and legislative branches far better than the IG's under the previous system, who were beholden to the system which they inspected. It is time to add the FBI to the list.

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. 1340

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 "Federal Bureau of Investigation Inspector General Act of 1989".

SEC. 2. OFFICE OF INSPECTOR GENERAL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) SPECIAL PROVISIONS CONCERNING THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE FEDERAL BUREAU OF INVESTIGATION

"Sec. 8E. (a)(1) Notwithstanding any other provision of this Act, the Inspector General of the Federal Bureau of Investigation shall be under the authority, direction, and control of the Director of the Federal Bureau of Investigation with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning—

- "(A) ongoing criminal investigations or proceedings;
- "(B) undercover operations;
- "(C) the identity of confidential sources, including protected witnesses;
- "(D) intelligence or counterintelligence matters; or
- "(E) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described in paragraph (1), the Director may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Director determines that such prohibition is necessary to prevent the disclosure of any information described in paragraph (1) or to prevent the significant impairment to the national interest of the United States.

"(3) If the Director exercises any power under paragraph (1) or (2), the Director shall notify the Inspector General of the Federal Bureau of Investigation in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Federal Bureau of Investigation shall transmit a copy of such notice to the Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

"(b) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Federal Bureau of Investigation—

"(1) may initiate, conduct and supervise such audits and investigations in the Federal Bureau of Investigation as the Inspector General considers appropriate;

"(2) shall give particular regard to the activities of the Counsel, Office of Professional Responsibility of the Department of Justice and the audit, internal investigative, and inspection units outside the Office of Inspector General of the Federal Bureau of Investigation with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice for investigation, information or allegations relating to the conduct of an officer or employee of the Federal Bureau of Investigation employed in an attorney, criminal investigative, or law enforcement position that is or may be a viola-

tion of law, regulation, or order of the Bureau or any other applicable standard of conduct, except that no such referral shall be made if the officer or employee is employed in the Office of Professional Responsibility of the Department of Justice.

"(c) Any report required to be transmitted by the Director of the Federal Bureau of Investigation to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives."

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Inspector General Act of 1978 is amended.—

(1) in section 4(b)(2)—
(A) by striking out "section 8E(a)(2)" in each place it appears and inserting in lieu thereof "section 8F(a)(2) in each such place"; and

(B) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(2)"; and

(2) in section 8G (as redesignated in subsection (a) of this section)—

(A) by striking out "or 8D" and inserting in lieu thereof ", 8D or 8E"; and

(B) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

SEC. 3. TRANSFER OF FUNCTIONS.

Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (T) by striking out "and" at the end thereof; and

(2) by inserting at the end thereof the following new subparagraph:

"(V) of the Federal Bureau of Investigation, the division of such bureau referred to as the 'Inspection Division' and, notwithstanding any other provision of law, that portion of each of the divisions or offices of such bureau which is engaged in internal audit activities; and"

SEC. 4. FEDERAL BUREAU OF INVESTIGATION DEFINED AS AN ESTABLISHMENT.

Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1) by inserting "Federal Bureau of Investigation," after "Director of the"; and

(2) in paragraph (2) by inserting "the Federal Bureau of Investigation," after "the Federal Emergency Management Agency,".

SEC. 5. INSPECTOR GENERAL AS AN EXECUTIVE SCHEDULE LEVEL IV POSITION.

Section 5315 of title 5, United States Code is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following new item:

"Inspector General, Federal Bureau of Investigation'."

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 1341. A bill to provide for certain administrative authority and requirements relating to the Arizona Veterans Memorial Cemetery; to the Committee on Veterans' Affairs.

ARIZONA VETERANS MEMORIAL CEMETERY

● Mr. DECONCINI. Mr. President, as a member of the Senate Committee on Veterans' Affairs, I am introducing, along with my distinguished colleague, the chairman of the Veterans' Affairs Committee, Senator CRANSTON, an im-

portant bill to establish certain administrative authority and requirements for the Arizona Veterans Memorial Cemetery. Specifically, this bill would authorize the Department of Veterans Affairs to employ persons in connection with the Administration of this cemetery if they were employed the State of Arizona in that capacity at the State-run Arizona Veterans Memorial Cemetery on the day before the cemetery was transferred to the United States pursuant to section 346 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 541). In addition, this bill would require the Secretary of Veterans Affairs to prepare an operating budget plan for the administration of the cemetery for fiscal years 1989, 1990, and 1991, and submit such plans to the Committees on Veterans' Affairs of the Senate and House of Representatives.

Before I discuss the needs for the current proposal, I would like to express my deep appreciation and gratitude to the distinguished chairman and the ranking member of the Senate Committee on Veterans' Affairs, Senators CRANSTON and MURKOWSKI, without whose invaluable assistance the dream of a new national cemetery in Arizona could never have been realized. I would also like to give special thanks to my friend and distinguished colleague from Arizona, Senator McCAIN, for all his hard work in the development of the original authorization for the incorporation of the Arizona Veterans Memorial Cemetery into the Nation Cemetery System. And I would be remiss if I did not mention invaluable contributions of House Committee on Veterans' Affairs Chairman SONNY MONTGOMERY and Representative BOB STUMP, that committee's new ranking member, in these efforts. Finally, I would like to thank all the Members of the Arizona delegation, both past and present, for their cooperation and support through the years on this issue.

Together we have traveled a long road since 1976 when the State of Arizona first appropriated funds for the development of a parcel of land in Maricopa County for use as a veterans' cemetery. Mr. President, the State of Arizona's Veterans Service Commission obtained the land for a cemetery in 1976, and the cemetery was then developed by the State with a Veterans' Administration [VA] grant pursuant to the 50/50 matching funds program in section 1008 of title 38, United States Code. The cemetery opened in May 1979 as the Arizona Veterans Memorial Cemetery and was operated by the State until 1989.

On May 22, 1988, section 346 of Public Law 100-322, which was based on legislation I authored, was enacted to provide for the transfer of the cem-

tery into the National Cemetery System. The transfer was effective on April 1, 1989, and the cemetery was then renamed "the National Memorial Cemetery of Arizona." It now operates as the 113th cemetery in the National Cemetery System.

Mr. President, when the transfer became effective, certain State of Arizona employees who had provided exceptional service to the facility when it was run by the State were nevertheless found to be ineligible for Federal employment because they were not Federal civil service employees and apparently did not test well on normal civil service standardized measures despite their specialized experience and expertise. This bill would authorize the Department of Veterans Affairs [DVA] to employ certain persons who had worked at the cemetery prior to its transfer into the National Cemetery System. Specifically, under this bill, DVA could employ such persons without regard to civil service requirements if they meet criteria and qualifications established by the Secretary.

In addition, this bill includes a reporting requirement regarding the funding of the operations of the cemetery. Under the provisions of section 346 of Public Law 100-322, the Secretary is prohibited, for 3 fiscal years, from obligating funds for the operation of the cemetery in excess of the greater of: First, the amount the Secretary estimates the DVA would have been required to pay under section 903(b)(1) of title 38—relating to payments to States in connection with the DVA \$150 burial payment for each eligible veteran in a State cemetery—had the cemetery not been transferred; or second, the amount that VA paid to the cemetery in fiscal year 1987, which was \$129,000, under that authority.

Our bill would require the Secretary to outline in an operating budget plan the anticipated sources of funds for the operation of the cemetery for each of fiscal years 1989, 1990, and 1991, and, to submit such plan each year to the Committees on Veterans' Affairs of the Senate and the House of Representatives. The plan for fiscal year 1989 would be due within 30 days after the enactment of this bill, the fiscal year 1990 plan would be due by October 1, 1989, and the fiscal year 1991 plan would be due by February 1, 1990. I believe this provision is necessary to ensure that DVA has a strategy for coping with the special funding constraints that will exist under section 346 through fiscal year 1991 and that effective service at this national cemetery is not interrupted by those constraints. If a funding shortfall is projected, because of these constraints, we need to know about it so that sources other than DVA funding can be sought and obtained.

Mr. President, enactment of this bill would help ensure that this most

recent addition to the National Cemetery System is sufficiently funded for the next 3 fiscal years and that it is maintained and provides service in a manner that befits a U.S. national cemetery. I urge all of my colleagues to give their support to this measure.

Finally, I again thank my good friend, Senator CRANSTON, for his assistance and collaboration in the preparation of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 1341

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

SECTION 1. ADMINISTRATION OF ARIZONA VETERANS MEMORIAL CEMETERY.

(a) APPOINTMENT OF EMPLOYEES.—The Secretary of Veterans Affairs may, without regard to laws relating to appointments in the competitive service, employ in a position in the Department of Veterans Affairs in connection with the administration of the Arizona Veterans Memorial Cemetery transferred to the Department pursuant to section 346 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 541) any person who (1) was employed by the State of Arizona in connection with the administration of such cemetery on the day before the date of the transfer, and (2) meets the criteria and qualifications established by the Secretary for employment in such position.

(b) OPERATING BUDGET PLAN.—(1) For each of the fiscal years 1989, 1990, and 1991, the Secretary of Veterans Affairs shall prepare an operating budget plan for the administration of the Arizona Veterans Memorial Cemetery referred to in subsection (a).

(2) The operating budget plan for a fiscal year shall include the anticipated sources of funds for such fiscal year, the Secretary's estimate of any budget deficit (taking into consideration the operating needs of the cemetery for such fiscal year and the limitations and requirements in section 346(f) of the Veterans' Benefits and Services Act of 1988), and the Secretary's estimate of the workload for such fiscal year.

(3) The Secretary shall transmit the budget operating plan for a fiscal year to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

(A) in the case of fiscal year 1989, not later than 30 days after the date of the enactment of this Act;

(B) in the case of fiscal year 1990, not later than October 1, 1989; and

(C) in the case of fiscal year 1991, not later than February 1, 1990.●

By Mr. SANFORD:

S. 1342. A bill to suspend temporarily the duty on ranitidine hydrochloride; to the Committee on Finance.

SUSPENDING THE DUTY ON RANITIDINE HYDROCHLORIDE

Mr. SANFORD. Mr. President, I rise to introduce legislation to suspend temporarily the duty on N[2-[[[5-[(dimenthylamino)menthyl]-2-furanyl]menthyl]thio]ethyl]-N-

methyl-2-nitro-1, 1-ethenediamine, hydrochloride, also known as ranitidine hydrochloride.

Mr. President, this legislation affects imports of ranitidine hydrochloride, which is currently imported by one U.S. company, Glaxo Inc., which then uses this raw material in its U.S. manufacturing facility in order to produce the pharmaceutical product Zantac. Zantac is a very widely used product for treating ulcers.

Ranitidine hydrochloride is not currently produced in the United States; all ranitidine used for manufacture in the United States must be imported from abroad.

Payment of the current 3.7 percent ad valorem duty on ranitidine hydrochloride increases the cost of production for the only U.S. producer of Zantac.

Glaxo Inc. is a new entrant into the U.S. pharmaceutical market. In 1984, Glaxo completed construction of manufacturing facilities in Zebulon, NC and began processing imported ranitidine hydrochloride into Zantac tablets for sale in the U.S. market. Prior to that time, Glaxo imported Zantac tablets in finished form and marketed it to customers in the United States. Production of Zantac in the United States currently involves 500 to 600 American workers.

Glaxo Inc. manufacturing facilities are currently producing at full capacity in order to meet the growing demand for Zantac tablets in the United States. Unless capacity is expanded, this growing demand will force Glaxo to import once again the finished product from abroad. Glaxo will also have to import new dosage forms of Zantac in finished form unless it constructs new manufacturing facilities for processing these dosage forms for sale in the United States. Suspension of duty will reduce the cost of production of Zantac and allow resources to be used for the construction of much needed new manufacturing facilities, which will employ an estimated 80 to 160 additional workers.

Passage of legislation temporarily suspending duty on ranitidine hydrochloride would have a strong beneficial effect in the United States. Such legislation would suspend a duty that artificially increases a U.S. processing cost and would provide a financial incentive for a U.S. producer to increase the manufacture of the finished product in the United States rather than to import it from abroad. This in turn would increase jobs for American workers and enhance U.S. balance of payments.

Its duty level does not represent a conscious decision on the part of U.S. Congress as to what the particular tariff on ranitidine hydrochloride should be. Rather, it is merely one of

hundreds of chemicals included in the Harmonized Tariff Schedule 2932.19.50007.

Because there are no domestic producers of ranitidine hydrochloride, this bill would adversely affect no domestic interests. Duty suspension will lower the impact on the cost of production for Zantac without negatively affecting U.S. competition. Moreover, it would benefit considerably the Nation's interest in having Zantac produced by a U.S. manufacturer.

I urge my colleagues to support this bill as part of any tariff suspension legislation that comes before the Senate.

By Mr. WIRTH:

S. 1343. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS ACT OF 1989

● Mr. WIRTH. Mr. President, the purpose of my rising today is to introduce the Colorado Wilderness Act of 1989. This is a piece of legislation that has been long in discussion. We have been working on this off and on since the last CWA was passed in 1980. This is legislation that covers some 750,000 acres in 18 different areas of land in the State of Colorado, most of it very high country land in so-called headwaters areas, a few other regions that because of the wonderful forthcomingness of two or three landowners is lower areas of wilderness designation.

As we approach the 21st century, Mr. President, one of the most important issues that is emerging is the need for us to manage our public lands in something of a different way than we have in the past.

Historically, we have viewed those public lands for the purposes of extraction and now we are understanding that it is a good idea to look at those public lands with a goal of attraction in mind as well.

In other words, the economics of our public lands often point in very much of a different direction from the old extractive approach. Managing for wilderness is clearly one of those. Wilderness designations are very good for the economics of the surrounding areas. They draw people in and this is so important to my State of Colorado where tourism, recreation, skiing industry, hunting, fishing, rafting, and so on have become so much a major part of our economy.

The legislation in front of us not only identifies that 750,000 acres in 18 different parcels but it also reaches to a number of very significant water issues which have really bogged this legislation down for such a long period of time.

At issue here for the most part is an issue called the reserve water rights

issue. The question is how much wilderness land if any deserves to have a reserve water right?

This is an issue that we in the West have been debating since the early part of the 20th century when the Winters doctrine came down from the Supreme Court identifying Indian reservations as having reserve water rights that came with that reservation.

Since that first decision by the Supreme Court reserve water rights has been expanded to include two or three other Federal properties as well. Now the issue is how much beyond Indian reservations—beyond various wildlife refuges, monuments and so on—how much water goes with wilderness areas? We have made after a process of long negotiation a number of concessions in this area identifying in the area of water that any water right from the Federal Government will go through the State water court; identifying that any issues at stake will be adjudicated by the State water engineer; identifying that any Federal water right will stand last in line in terms of the date of the designation of the wilderness—a whole variety of issues that are concessions I believe for an ability to solve this problem.

In addition, Mr. President, in this legislation we have solved the North Platte River wilderness issue. That came up as a result of the passage of the Wyoming wilderness bill in 1984. This legislation defines in two areas ways in which we resolve any water rights issues that may surround this legislation.

Finally, in the bill I have also been very careful to separate out the high country or headwaters area from the downstream area. What I proposed that we do in the Colorado wilderness bill is to follow the model that was successfully used by New Mexico, Arizona, Wyoming, and the State of Washington. But rather in this legislation, rather than trying to solve all the wilderness issues that exist downstream from the high country areas, the more flatland BLM land, to separate that out and leave it for another time.

We have no proposals coming from the administration as to what to do with this kind of flatland country. We have no proposals coming from anybody in the CWA delegation.

What I have done, as these other States have done, is separate out these downstream wilderness issues from the high country issues.

Let us protect the high country issues. Let us protect the high country wilderness now while we have the opportunity to do so before we have any more incursions, and protect this beautiful part of our legacy for our children, grandchildren, and all future generations.

Mr. President, Colorado is known across the country for the soaring peaks of our Rocky Mountains, the gold medal trout streams that flow from glaciers high in those mountains, and the bighorn sheep, cougar, bear, and elk that make their home in these wild lands. Coloradans take great pride in these wilderness lands, and overwhelming majorities of the people of my State are committed to the protection of this heritage for future generations.

When it was enacted into law in 1964, the Wilderness Act designated three wilderness areas in Colorado. In 1974, the Flat Tops Wilderness was established to protect a large tract of rugged mountains where the White and Yampa Rivers originate. The next year, Congress set aside the Eagles Nest Wilderness Area, which sits astride the rugged Gore Range.

And in 1978, countless Coloradans worked with me and the rest of the congressional delegation to find a compromise that enabled us to designate the Indian Peaks Wilderness just south of Rocky Mountain National Park. Today, Indian Peaks is one of the Nation's most heavily visited wilderness areas.

The watershed event for protecting Colorado's high elevation wild lands came with passage of the Colorado Wilderness Act of 1980. With one bill we added more than 1.4 million acres to the wilderness system. That legislation truly was a legacy to our children and grandchildren. But it left the question of whether to protect a number of important areas still unresolved.

That bill recognized that not enough was known about some of the still undeveloped areas in our national forests to make final decisions on which should be designated as wilderness and which should be released for multiple-use management. Accordingly, the 1980 act established 12 wilderness study areas, and retained 6 areas in their administratively designated "further planning" status. The Forest Service was directed to study these areas during the ensuing 3 years to determine their suitability for wilderness.

Since 1983 members of the Colorado congressional delegation have been working to finish the work we began in 1980. Bills were introduced in the 98th Congress to designate certain areas as wilderness and to release others. But the Colorado wilderness bill passed by the House of Representatives foundered in the Senate on the question of whether, and how, wilderness water resources should be managed. Legislation introduced in the 99th Congress met a similar fate.

One of my highest priorities, as a newly elected Member of this body, was to find a way to break the impasse

in Colorado over wilderness water resources so that we could get on with the job we began in 1980. In 1987, I joined with the senior Senator from Colorado in asking a number of distinguished Coloradans to attempt to resolve the dispute over wilderness water rights.

Two negotiating teams, representing conservationists and water resource developers, met at least nine times in an effort to find a compromise. Smaller teams of negotiators met many times more.

In months of hard work, these negotiating teams identified the salient issues, and made significant progress in narrowing their differences. At times, it seemed as if they were close to agreement. Ultimately, however, they deadlocked over lands that have nothing to do with the study areas that were identified in the 1980 act: Low elevation lands which the Bureau of Land Management [BLM] is studying for possible future designation as wilderness.

In March, I circulated among the two negotiating teams and many other Coloradans a comprehensive proposal for resolving the dispute over wilderness water resources. My proposal was designed to integrate water rights for wilderness into the State water rights system, so that existing water rights would be fully protected, while also providing a measure of protection for the proposed wilderness areas. No one was entirely satisfied by that proposal—a sure sign of a compromise—but representatives of both sides to the dispute suggested that it might provide the framework for a solution that would enable us to complete wilderness legislation for Colorado's forested, high mountain, headwaters areas.

Unfortunately, a few weeks ago some members of the water resource development negotiating team rejected that approach. Instead, they repeated their demand that any wilderness legislation for Colorado's high elevation headwaters areas must also address the question of water rights within BLM areas that may someday be recommended for wilderness—despite the near impossibility of finding a way to bind future Congresses to resolve a problem of, as yet, unknown dimensions.

At the risk of belaboring this issue, I want to emphasize that the BLM has not yet made any recommendations to the President for wilderness on Colorado's low elevation BLM lands. The President has transmitted no proposals to the Congress. Indeed the BLM is still conducting the studies needed to determine which areas are suitable for wilderness. As a result, we do not know today what areas will someday be recommended for wilderness, or when those recommendations will be received. Neither do we know what, if

any water resource conflicts will be implicated by those recommendations.

Over the past few weeks, it has become clear to me that while the negotiating teams were able to substantially narrow their differences, the negotiating teams had become deadlocked on the issue of BLM wilderness areas. As a result, I concluded that the time has now come to draft legislation that codifies the progress that has been made and strikes a fair balance—legislation that protects existing water rights but which also recognizes that, where it is found in these high mountain areas, water is a vital part of the wilderness environment we are trying to protect. I believe that the legislation I am introducing today achieves those dual objectives.

Before I describe that compromise on water rights, I want to take a few moments to describe the heart of this legislation.

The Colorado Wilderness Act of 1989, which I am introducing today, would add 751,260 acres of high mountain land to the wilderness system.

This bill includes popular recreation areas such as Lost Creek, an 11,000-acre addition to the Lost Creek Wilderness not far from the Denver metropolitan area. This bill also includes the limestone escarpment of Fossil Ridge, with its alpine lakes and steep forested slopes.

And this bill would preserve the lion, lynx, ptarmigan, and cutthroat trout habitat of the Spruce Creek addition to the Hunter-Fryingpan Wilderness. Just a few short weeks ago, my wife and I had the opportunity to ride through a small part of that area, and we were struck by its beauty, solitude, and ruggedness.

These areas, and others—especially the Sangre de Cristo Mountains, perhaps the most significant new area proposed in this bill—deserve to be protected as wilderness. They are a crucial part of our heritage as Coloradans. And they are becoming ever more important as a foundation of Colorado's economy, where recreation is now the second largest, and fastest growing, industry. Preserving these areas is good environmental policy. It is also good economic policy.

Mr. President, in 1964 we began the process of protecting Colorado's wild, pristine mountain lands. In 1980, we took a giant step forward, but we deferred some key decisions. Now, 25 years after the United States pioneered the idea of legislatively protected wilderness areas, it is time to finish the task we began with passage of the Colorado Wilderness Act of 1980. The one remaining obstacle is finding a fair solution to the water rights dispute. I believe my legislation provides a fair and reasonable solution that fits the needs of Colorado, the desires of its citizens to see its wilderness resources protected, and the specific

circumstances of our State's water laws and its hydrology.

The bill I have drafted would:

First, specifically recognize that this is a "headwaters only" bill and would raise no conflicts with upstream water rights. My staff and I carefully reviewed maps of past proposals for wilderness, and we modified boundaries where that was necessary, to eliminate such conflicts with upstream water users;

Second, expressly reserve water for the headwaters wilderness areas while waiving implied reserved wilderness rights for these areas;

Third, require the Federal Government to stand in line like all other water users, by giving the Federal Government a water right that is junior to all existing water rights;

Fourth, require the adjudication of these wilderness water rights in State water court;

Fifth, provide that nothing in this bill will affect the interstate water compacts that protect Colorado's water;

Sixth, provide that wilderness rights on the North Platte River cannot be asserted to diminish the State's ability to use its full share of water from that river, to resolve the concerns of North Platte water users;

Seventh, reiterate that nothing in this bill will alter previously enacted legislation concerning the Homestake II project and the Hunter-Fryingpan project; and

Eighth, retain two other areas, encompassing 62,240 acres, in a protective study status while the Forest Service and other agencies evaluate potential water resource conflicts in those areas.

To the best of my understanding, this proposal responds to all of the concerns that were raised over the past 2 years of negotiations. No one comes out a winner. The conservationists will have to give some ground under this proposal, and so will the water resource development interests.

But I believe this is a fair and responsible solution to an issue that has, for nearly 6 years, stalled wilderness legislation in Colorado. This is a Colorado solution to a Colorado problem, since it respects existing water rights, protects the State's ability to develop water resources for economic development, and integrates well with the State's existing system for managing water resources.

Mr. President, the only issue this proposal does not resolve is how we will address water resource conflicts that may be implicated by future legislation for BLM areas. I understand that such proposals may raise far more serious concerns about water resource conflicts than does today's legislation. And I am committed to finding a consensus in Colorado on these

issues when the Congress receives the President's proposals for BLM wilderness in Colorado.

But we can not today foresee what problems we will encounter in 1992, or whenever those proposals are received by the Congress. The citizens of Colorado have been waiting patiently since 1980 to finish the job of protecting our high mountain wild lands. With each passing day, the threats to those areas increase. No one identified any water resource conflicts in these areas, despite years of debate and negotiation.

There is, in short, no reason to delay and every reason to proceed. The time for action has arrived—and I hope that 1989 will be the year we pass the next installment in Colorado's legacy to the future.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the text of my bill and a section-by-section analysis of that bill.

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

S. 1343

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 "Colorado Wilderness Act of 1989."

TITLE I—ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the San Isabel National Forest, which comprise approximately fifty-eight thousand one hundred sixty acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposed," dated July 1989, and which shall be known as the Buffalo Peaks Wilderness;

(2) certain lands in the Uncompahgre National Forest and in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately sixty-nine thousand nine hundred forty acres, as generally depicted on a map entitled "Cannibal Plateau Wilderness—Proposed," dated July 1989, and which shall be known as the Cannibal Plateau Wilderness;

(3) certain lands in the Routt National Forest, which comprise approximately thirty-six thousand acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Mount Zirkel Wilderness as designated by Public Law 88-577;

(4) certain lands in the Gunnison National Forest, which comprise approximately fifty-five thousand five hundred sixty acres, as generally depicted on a map entitled "Fossil Ridge Wilderness—Proposed," dated July 1989, and which shall be known as the Fossil Ridge Wilderness;

(5) certain lands in the San Isabel National Forest, which comprise approximately twenty-four thousand one hundred thirty acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposed," dated July 1989, and which shall

be known as the Greenhorn Mountain Wilderness;

(6) certain lands in the Pike National Forest and in the San Isabel National Forest, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness Additions—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Lost Creek Wilderness as designated by Public Law 96-560;

(7) certain lands in the Gunnison National Forest, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "O Be Joyful Additions to the Raggeds Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Raggeds Wilderness as designated by Public Law 96-560;

(8) certain lands in the Arapahoe National Forest, which comprise approximately twenty-four thousand one hundred sixty acres, as generally depicted on a map entitled "St. Louis/Vasquez Peaks Wilderness—Proposed," dated July 1989, and which shall be known as the St. Louis/Vasquez Peaks Wilderness.

(9) certain lands in and adjacent to the Rio Grande and San Isabel National Forests, which comprise approximately two hundred fifty-two thousand eighty acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposed," dated July 1989, and which shall be known as the Sangre de Cristo Wilderness;

(10) certain lands in the Routt National Forest, which comprise approximately fifty-four thousand seven hundred acres, as generally depicted on a map entitled "Service Creek Wilderness—Proposed," dated July 1989, and which shall be known as the Service Creek Wilderness;

(11) certain lands in the San Juan National Forest, which comprise approximately thirty-two thousand eight hundred acres, as generally depicted on a map entitled "South San Juan Additions Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the South San Juan Wilderness as designated by Public Law 96-560;

(12) certain lands in the San Isabel National Forest, which comprise approximately nineteen thousand five hundred seventy acres, as generally depicted on a map entitled "Spanish Peaks Wilderness—Proposed," dated July 1989, and which shall be known as the Spanish Peaks Wilderness;

(13) certain lands in the White River National Forest, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-327;

(14) certain lands in the San Juan National Forest, which comprise approximately eight thousand six hundred fifty acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Weminuche Wilderness as designated by Public Law 93-632;

(15) certain lands in the San Juan National Forest, which comprise approximately twenty-two thousand one hundred ten acres, as generally depicted on a map entitled "West Needles Wilderness—Proposed," dated July 1989, and which shall be known as the West Needles Wilderness;

(16) certain lands in the Rio Grande National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Wheeler Peak Additions to the La Garita Wilderness—Proposed," dated July 1989, which are hereby incorporated in and shall be deemed a part of the La Garita Wilderness as designated by Public Law 88-577;

(17) certain lands in the Arapahoe National Forest, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposed," dated July 1989, and which shall be known as the Williams Fork Wilderness; *Provided, however,* That subject to valid existing rights, that part of the Williams Fork Further Planning Area as generally depicted on said map and which is not designated part of the Williams Fork Wilderness by this Act, shall be managed until Congress determines otherwise to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; *Provided further,* That no right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the Williams Fork Further Planning Area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; and

(18) certain lands in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Big Blue Wilderness as designated by Public Law 96-560.

TITLE II—WATER RIGHTS

SEC. 201. (a) FINDINGS.—The Congress finds and declares that—

(1) where it exists in wilderness, water is vital to those natural values and recreation uses that wilderness, as defined by this Act and the Wilderness Act (78 Stat. 890), is meant to provide for and preserve;

(2) the wilderness areas designated by this Act are situated at the headwaters of streams in the State of Colorado;

(3) the express reservation of water for wilderness areas designated by this Act will not diminish the presently adjudicated valid existing appropriate water rights within or upstream of the areas designated as wilderness by this Act;

(4) the express reservation of water for wilderness areas designated by this Act will not diminish valid existing or future appropriate rights located downstream of the exterior boundaries of the areas designated wilderness by this Act and will benefit such rights as maintaining existing stream flows and preserving the natural ecosystems of the watersheds;

(5) the express reservation of water for areas designated wilderness by this Act will not diminish the State of Colorado's right to use those quantities of water apportioned pursuant to interstate compacts and equitable decrees of the United States Supreme Court;

(6) the express reservation of water for areas designated wilderness by this Act is in lieu of the rights that would otherwise be reserved by implication when areas are included in the National Wilderness Preservation System;

(7) the Federal water rights reserved by this Act shall be in addition to express or implied water rights previously reserved by the United States for purposes other than wilderness; and

(8) Except as provided in subsection 201(b), this Act is not intended to determine the existence or scope of any express or implied reserved water rights created in or arising from other Federal legislation.

(b) DETERMINATION.—(1) Therefore, the Congress determines and directs that the United States reserves a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(2) For the purposes of state water rights administration, the priority date of the water rights reserved in this section shall be the date of enactment of this Act.

(3) The Secretary shall, no later than two years after the date of enactment of this Act, file a claim for the adjudication of the water rights reserved by this section in appropriate proceedings in the courts of the State of Colorado pursuant to the provisions of 43 U.S.C. 666, and shall take all steps necessary to protect such rights in such adjudication.

(4) Nothing in this Act shall be deemed to alter or modify any interstate compact or equitable decree of the United States Supreme Court, effecting the allocation of water between or among the State of Colorado and other states.

(5) Notwithstanding anything contained in this Act or any prior Acts of Congress to the contrary, the United States shall not assert reserved water rights to waters in the North Platte River for purposes of the North Platte Wilderness Area located on the Colorado-Wyoming state boundary, to the extent such rights would prevent the use or development by present and future holders of valid water rights of Colorado's full apportionment of interstate waters within the State of Colorado pursuant to interstate compact or equitable decrees of the United States Supreme Court: *Provided*, That nothing herein shall excuse the Secretary from promptly adjudicating those rights in appropriate stream adjudications.

(6) The Congress hereby reaffirms Section 102(a)(5) of Public Law 96-560 (94 Stat. 3266) and the last sentence of Section 2(e) of Public Law 95-237 (92 Stat. 41).

(7) Nothing in this Act shall be construed as a precedent for the designation of future wilderness areas in the State of Colorado or any other state.

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. (a) The following lands in the State of Colorado are hereby designated as wilderness study areas:

(1) certain lands in the San Juan National Forest, which comprise approximately sixty thousands acres, as generally depicted on a map entitled "Piedra Wilderness Study Area—Proposed," dated July 1989; and

(2) certain lands in the San Juan National Forest, which comprise approximately two thousand two hundred forty acres, as generally depicted on a map entitled "Purgatory Flats Wilderness Study Area—Proposed" dated July 1989.

(b)(1) The Secretary of Agriculture, in conjunction with the Colorado Water Conservation Board and other appropriate state and federal agencies, shall, within two years

after the date of enactment of this Act, conduct and transmit to the Congress a comprehensive study of (i) the wilderness values that are supported by streams areas that arise upon or flow through such wilderness study areas and necessary flow for the protection of wilderness values on streams within such wilderness study areas; (ii) the potential for the development of water resources on stream segments upstream of such wilderness study areas; (iii) a range of alternatives for protecting water resources within such wilderness study areas, including recommendations of the Colorado Water Conservation Board; and (iv) the effect such alternatives would have on private rights to develop water resources upstream of such wilderness study areas pursuant to state law.

(2) In conducting the study, the Forest Service shall hold at least one public hearing in the vicinity of each of the wilderness study areas designated by this Act and at least of the wilderness study areas designated by this Act and at least one hearing in the Denver metropolitan area, and shall request from interested public agencies and individuals recommendations on protecting instream flow values within such wilderness study areas.

(d) The wilderness study areas designated by this Act, shall, until Congress determines otherwise, be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated as wilderness by that Act: *Provided, however*, That on Federal water rights, express or implied, are established by enactment of this section.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture and the Secretary of the Interior, as appropriate, shall file the maps referred to in this Act and legal descriptions of each wilderness area and wilderness study area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as it included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 890) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, and reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 402. REPEAL OF WILDERNESS STUDY AREA MANAGEMENT RESTRICTIONS.—Section 2(e) of Public Law 95-237 is amended by deleting the fourth sentence of that subsection and Public Law 96-560 is amended by deleting subsections 105(c) and 106(b) of that Act.

SEC. 403. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation Program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas;

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental impact statement (dated January 1979) with respect to National Forest System lands in states other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the state of Colorado;

(2) with respect to National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1976 (Public Law 94-588), as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that the conditions in a unit have significantly changed;

(3) areas in the State of Colorado reviewed in such final environmental impact statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act, except for the Williams Fork Further Planning Area, shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Land Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law;

(5) unless expressly authorized by Congress, the Department of Agriculture shall

not conduct any further statewide roadless area reviews and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Colorado which are less than five thousand acres in size.

SECTION-BY-SECTION ANALYSIS OF THE COLORADO WILDERNESS ACT OF 1989

Section 1—Provides that the Act may be referred to as the "Colorado Wilderness Act of 1989."

TITLE I—ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM

Section 101(a)—Provides for the designation of 18 new wilderness areas, totaling 751,260 acres. The areas are:

1. Buffalo Peaks Wilderness—San Isabel NF—58,160 acres

2. Cannibal Plateau Wilderness—Uncompahgre NF—69,940 acres

3. Davis Peak Additions to the Mt. Zirkel Wilderness—Routt NF—36,000 acres

4. Fossil Ridge Wilderness—Gunnison NF—55,560 acres

5. Greenhorn Mountain Wilderness—San Isabel NF—24,130 acres

6. Additions to the Lost Creek Wilderness—Pike NF—11,000 acres

7. O Be Joyful Additions to the Raggeds Wilderness—Gunnison NF—5,500 acres

8. St. Louis/Wasquez Peaks Wilderness—Arapahoe NF—24,160 acres

9. Sangre de Cristo Wilderness—Rio Grande and San Isabel NFs—252,080 acres

10. Service Creek Wilderness—Routt NF—54,700 acres

11. Additions to the South San Juan Wilderness—San Juan NF—32,800 acres

12. Spanish Peaks Wilderness—San Isabel NF—19,570 acres

13. Spruce Creek Additions to the Hunter-Fryingpan Wilderness—White River NF—8,100 acres

14. Additions to the Weminuche Wilderness—San Juan NF—8,650 acres

15. West Needles Wilderness—San Juan NF—22,110 acres

16. Wheeler Additions to the La Garita Wilderness—Rio Grande NF—25,000 acres

17. Williams Fork Wilderness—Arapahoe NF—40,000 acres

18. American Flats Additions to the Big Blue Wilderness—Gunnison Basin BLM—3,900 acres

TITLE II—WATER RIGHTS

Section 201(a). Sets out Congressional findings as follows:

(1) Water is vital to the natural values and recreational uses of wilderness areas;

(2) The areas designated wilderness by this bill are headwaters areas;

(3) The reservation of water rights to protect wilderness values in these areas will not diminish any existing water rights;

(4) Water rights to protect these wilderness areas cannot take any water away from present or future water rights downstream of these areas, and can benefit such rights by protecting watershed values upstream of them.

(5) Express reservation of water for wilderness areas will not diminish the State of

Colorado's rights to use all the water it is entitled to under interstate compacts and decrees of the U.S. Supreme Court.

(6) Express reservation of water for wilderness in this bill is in lieu of water rights that otherwise would, according to the courts, be reserved by implication when wilderness is designated.

(7) The water rights reserved by this Act shall be in addition to other, previously reserved by the United States.

(8) This bill is not intended to determine the existence or scope of any reserved water rights created in or arising from any other federal legislation.

Section 201(b).—Provides the following directions regarding water rights for the protection of the wilderness areas created in this bill:

(1) Directs the express reservation of water sufficient to fulfill the purposes of the wilderness areas created by the bill.

(2) Provides that for purposes of administration by the state, the priority date of water rights reserved in this bill be the date of its enactment into law.

(3) Requires the Secretary of Agriculture to file claims for such rights in state court within two years.

(4) Provides that nothing in this bill shall change any interstate water compact or allocation of water amongst the States by the U.S. Supreme Court.

(5) Provides that the federal government cannot assert any claim to reserved water rights for the North Platte Wilderness on the Colorado/Wyoming border which would prevent the development of Colorado's full apportionment of water as provided by interstate compact or decree of the U.S. Supreme Court.

(6) Reaffirms previous legislation concerning water development projects and wilderness areas in Colorado.

(7) Provides that nothing in this bill shall be construed as a precedent for the designation of future wilderness areas in Colorado or any other state.

TITLE III—WILDERNESS STUDY AREAS

Section 301(a). Designates two wilderness study areas. They are:

(1) Piedra Wilderness Study Area—San Juan NF—60,000 acres

(2) Purgatory Flats Wilderness Study Area—San Juan NF—2,200 acres

Section 301(b). Requires the Forest Service, working with the Colorado Water Conservation Board and others, to study:

(1) The need for water to protect wilderness values in these areas.

(2) The potential for water development in stream segments upstream of these areas which might be affected by the creation of water rights for wilderness protection there.

(3) A range of alternative ways to protect the water resources in these areas.

(4) The effects of each such alternative on private rights.

Section 301(c). Provides that these wilderness study areas will be managed as if they had been designated wilderness, except that no federal water rights are established by this protection.

TITLE IV—ADMINISTRATIVE PROVISIONS

Section 401(a). Provides for the filing and availability to the public of maps containing the official boundaries of the wilderness and wilderness study areas designated in this bill.

Section 401(b). Provides for administration of the areas designated wilderness by this bill under the provisions of the Wilderness Act of 1964, subject to valid existing rights.

Section 402. Repeals wilderness study area designations made in prior Acts of Congress.

Section 403. Releases the Forest Service from obligation to study for wilderness, or to protect the wilderness characteristics of, areas not designated wilderness by this bill. This is the "release language" which has been incorporated in every Forest Service wilderness bill passed by the Congress following the Forest Service RARE II nationwide wilderness study, which was completed in 1979.●

By Mr. DODD:

S. 1344. A bill to amend the Internal Revenue Code of 1986 to allow insurance companies to be consolidated with noninsurance companies; to the Committee on Finance.

REMOVING LIMITATIONS ON THE USE OF TAX CONSOLIDATION BY LIFE INSURANCE COMPANIES

● Mr. DODD. Mr. President, today I am reintroducing legislation to rectify an inequity in current law which prevents life insurance companies from making use of consolidated tax returns in the same manner as other corporations. I hope that the Senate will be able to address the bill this year.

While the different tax treatment was justified some time ago because of other special income tax rules for life insurance companies, those reasons are no longer valid since the passage of the Deficit Reduction Act of 1984, the Tax Reform Act of 1986, and the Omnibus Budget Reconciliation Act of 1987. Moreover, the present limitation on tax consolidation has the effect of diminishing overall capacity in the insurance industry, to the disadvantage of consumers.

The legislation I am introducing today would repeal certain provisions of the Internal Revenue Code to remove limitations on the use of tax consolidation by life insurance companies. It would treat life insurance companies the same as all other corporations.

Let me describe the background and purpose of the legislation in more detail.

BACKGROUND AND PURPOSE OF THE LEGISLATION

Prior to the Tax Reform Act of 1976, life insurance companies, unlike other corporations, could not join in the filing of a consolidated return that included other types of corporations. The 1976 legislation partially lifted the ban against life-nonlife consolidation for taxable years beginning after 1980.

While the 1976 legislation accorded life insurance companies a greater measure of the consolidation treatment permitted for other corporations, it stopped short of parity, limiting the extent to which losses of companies not taxed as life insurance companies may be used against the income of a life insurance company in arriving at consolidated taxable income. Thus, under current law, the amount of loss which may be so used is limited to the

lesser of 35 percent of such loss or 35 percent of the income of the life insurance company members. In addition, no life insurance company may join in the consolidated return until it has been a member of the affiliated group for 5 years, and no loss of a company not taxed as a life insurance company may be used against the income of a life insurance company until the 6th year in which such companies have been members of the affiliated group.

These restrictions were based primarily on the fact that life insurance companies were taxed under special rules that differed from those applicable to other types of companies. However, changes under the Deficit Reduction Act of 1984 have made the tax provisions applicable to life companies comparable to those applicable to other corporations. Since other substantial changes were made under the Tax Reform Act of 1986 and the 1987 Reconciliation Act to assure that all insurance companies are taxed on their full economic income, there is no longer any reason to deny to life-non-life affiliated groups the full tax consolidation treatment that is generally available. Therefore, the bill would simply remove the existing restrictions on such consolidation.

Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD at this point.

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

S. 1344

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

SECTION 1. CONSOLIDATION OF INSURANCE COMPANIES WITH NONINSURANCE COMPANIES PERMITTED.

(a) IN GENERAL.—Section 1504(b) of the Internal Revenue Code of 1986 (defining includible corporation) is amended by striking out paragraph (2).

(b) CONFORMING AMENDMENTS.—

(1) Section 1503 of such Code (relating to computation and payment of tax) is amended by striking out subsection (c) thereof.

(2) Section 1504 of such Code (relating to definitions) is amended by striking out subsection (c).

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

(b) TRANSITIONAL RULE.—The amendments made by this Act shall not apply to—

(1) the carryover of a loss or credit from a taxable year beginning before January 1, 1989, to a taxable year beginning on or after January 1, 1989, or

(2) the carryback of a loss or credit to a taxable year beginning before January 1, 1989. ●

By Mr. GORE:

S. 1345. A bill to provide for the continuous assessment of critical trends and alternative futures; to the Committee on Governmental Affairs.

CRITICAL TRENDS ASSESSMENT ACT

● Mr. GORE. Mr. President, during the 99th Congress I introduced a bill that would get the Federal Government to do something it rarely does in-depth—consider the future. The idea behind that bill—the Critical Trends Assessment Act—was to gather the vast array of complex information about trends in our society and throughout the world economy and environment and put it to work in public policy decisionmaking.

Four years later, the reasons behind that legislative initiative are even more compelling. Today I am reintroducing the Critical Trends Assessment Act, and encourage my colleagues to consider its case.

We often lurch from one crisis to another. Meanwhile, new problems bubble beneath the surface for years and we barely recognize them in our preoccupation with the present day's crisis. Then, suddenly, they burst forth, in the form of global warming, the savings and loan catastrophe, energy supplies and prices, or trade imbalances.

For example, we thought for years that the Earth contained inexhaustible resources and could cope with whatever abuses we heaped on it and into it. We have since discovered the enormous quantity of toxic wastes oozing into our water supplies. We learned about soil erosion and later about finite fossil fuel resources.

And, in perhaps the best case of inadequate planning in the history of mankind, we now face problems and implications of global environmental change that threaten the planet's very survival.

During the 1970's, our country's energy picture was severely distorted first by lower supplies, then by higher prices. Demand eventually dropped and we were sent reeling by having to pay for powerplants we no longer needed.

As baby boomers matured and entered the working world, school enrollment dropped and schools closed in their wake. Now, the baby boomers are having children of their own and we find a shortage of elementary schoolteachers that we could have anticipated but failed to do so.

These examples are only the tip of the iceberg.

Sometimes when we try to glimpse into the future we get more confused than when we started. Computer models in executive agencies often develop conclusions that are widely inconsistent with one another. Deregulation, understaffing, and the Paperwork Reduction Act have taken their toll, reducing the quality of Federal data available on some issues.

Our shortsightedness does not necessarily result from the fact that we aren't doing enough studies or collecting enough information. From the

Census Bureau to the Social Security Administration, the Federal Government often seems awash in statistics.

But what are we doing with all this information? How are we, as elected leaders, assessing today the critical trends that tomorrow will become crisis and the day after require our immediate response?

It is this institutional shortsightedness that creates a renewed justification for the Critical Trends Assessment Act. The bill would provide for the continuous assessment of critical trends and alternative futures.

Mr. President, I am aware that initiatives which threaten the status quo of decisionmaking are sometimes controversial. Shortly after this century began, in fact, President Theodore Roosevelt created a national Commission to study the future of the country's natural resources. The group met with congressional opposition to "government by commission" and eventually wilted.

The Critical Trends Assessment Act would not constitute government by commission. The Office it would create would not usurp powers from any Federal agency. It would not be a method to involve centralized planning into the Federal Government.

The Office created by this bill would be a mechanism to encourage useful debate among people in the Federal Government as well as in the private sector, focusing our attention beyond immediate concerns, making us better prepared for the future.

Specifically, the bill would establish within the Executive Office of the President an Office of Critical Trends Analysis, with a \$5 million annual budget. The Office would be authorized to advise the President "of the potential effect of Government policies on critical trends and alternative futures."

The Office would produce, every 4 years, an "Executive Branch Report on Critical Trends and Alternative Futures." The Joint Economic Committee of Congress would produce a similar report, with its own findings, every 2 years.

Both reports would be expected to identify and analyze critical trends and alternative futures for the next 20 years in light of economic, technological, political, environmental, demographic and social causes and consequences. They would analyze these trends based on current conditions, evaluate current Government policies and consider any alternative approaches.

The Advisory Commission on Critical Trends Analysis would be created with executive, congressional, and private sector representation. The Advisory Commission would assist the Office and promote public discussion of critical trends.

I have seen the value of getting Congress to look to the future. Six years ago the Congressional Clearinghouse on the Future, which I chaired, published a "Future Agenda" as seen by committees and subcommittees to focus beyond day-to-day concerns and look at long-term trends.

We know that land fueled the agricultural revolution and capital fueled the industrial revolution. There is growing awareness that information is fueling our present revolution.

But what are we doing with it? We are gathering data, we are making studies and we are shoving it all aside so we can handle the crises of the present day.

I think Congress and the White House can show more foresight than that. I urge my colleagues to support the Critical Trends Assessment Act.

I ask unanimous consent that the entire text of the bill appears in the RECORD.

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

S. 1345

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 "Critical Trends Assessment Act".

SEC. 2. FINDINGS AND PURPOSES.

The Congress finds and declares that—

(1) the growing complexity and interdependence of the modern world, exhibited by such issues as global environmental change, homelessness, Third World debt, and others, require that national decision machinery be capable of identifying long-term changes affecting the national welfare and that it bring these factors to bear upon public policy;

(2) while the Government has available to it enormous information resources, there is a need to integrate existing capabilities to provide a systematic and comprehensive use of that information to guide policymakers concerning critical trends and alternative futures;

(3) these information resources can and should be made publicly available in a form suitable for use by the public and private sectors of the United States economy; and

(4) therefore, it is necessary to establish mechanisms to bring all relevant perspectives into the decision process to evaluate available information, to focus attention on areas in which information is inadequate, and to identify and analyze critical trends and alternative futures based upon the best available information.

SEC. 3. FUNCTIONS OF THE OFFICE OF CRITICAL TRENDS ANALYSIS.

(a) There is established in the Executive Office of the President the Office of Critical Trends Analysis (hereafter in this title referred to as the "Office"). The Director and Deputy Director of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Office shall be responsible for—

(1) the preparation of the executive branch report as required by section 4;

(2) the review and analysis of Government policies as required by section 5; and

(3) the organization and utilization of the Advisory Commission as required by section 6.

(c) The President shall authorize the Office to utilize the information, property, facilities, services, and personnel of each department and agency in the executive branch to the extent necessary in carrying out such functions. In addition, the Director is authorized to appoint and fix the compensation of employees of the Office.

(d) There are authorized to be appropriated not to exceed \$5,000,000 for fiscal year 1990 and each of the succeeding fiscal years for the purpose of carrying out sections 3 through 6 of this Act.

SEC. 4. PREPARATION OF REPORT.

(a) Not later than the end of 1993 and each fourth year thereafter, the Office shall prepare for publication an Executive Branch Report on Critical Trends and Alternative Futures. The report shall contain—

(1) an identification and analysis, of critical trends and alternative futures for the ensuing twenty-year period;

(2) a description of the relationship of such trends and alternative futures to the economic, technological, political, environmental, demographic, and social causes and consequences;

(3) an analysis of such trends and alternative futures with respect to present and future problem areas and potential future opportunities;

(4) an evaluation of the effects of existing and alternative Government policies on such trends; and

(5) an identification of the information and a discussion of the analysis upon which conclusions in the report are based.

(b) Such reports shall be based upon information obtained from sources outside the Federal Government and upon information obtained from Federal departments and agencies.

(c) Prior to the publication of the report required by this section, the Director of the Office shall make a draft copy of such report available to interested persons for the purposes of review and comment. Any significant comments received from interested persons or a summary thereof shall be included as an appendix to the published report.

(d) The President shall submit such report, together with his comments or recommendations thereon, to each House of the Congress and such report shall be made available within the Government and to the public as a public document.

(e) The Office shall also publish such interim reports as it considers necessary and appropriate.

SEC. 5. REVIEW AND ANALYSIS OF GOVERNMENT POLICIES.

The Office shall be responsible for advising the President of the potential effects of Government policies on critical trends and alternative futures. The Office shall—

(1) analyze available information to identify present policies and policy options for the United States in relation to critical trends and alternative futures;

(2) review Federal laws, regulations, programs, and other activities of the Federal Government to determine their long-term effects;

(3) prepare reports for the President as necessary and appropriate;

(4) insure that the Federal departments, agencies, and establishments with responsibilities in the area of policy under consideration are provided an opportunity to com-

ment on the potential effects of Government policies on critical trends and alternative futures;

(5) consider the comments of such Federal departments, agencies, and establishments in performing its functions under this section; and

(6) include the official comments of such Federal departments, agencies, and establishments in any reports provided to the President by the Office under the authority of this section.

SEC. 6. ADVISORY COMMISSION ON CRITICAL TRENDS ANALYSIS.

(a) The Office shall be responsible for the establishment of the Advisory Commission on Critical Trends Analysis.

(b) The Advisory Commission shall—

(1) provide advice to the Office with respect to its operations; and

(2) promote the public discussion and public awareness of critical trends and the use of analyses of such trends to create alternative futures.

(c) The Advisory Commission shall be composed of nineteen members, as follows:

(1) Five members of the Advisory Commission shall be the heads of Federal agencies designated by the President.

(2) Three members of the Advisory Commission shall be Members of the Senate, appointed by the majority leader and minority leader of the Senate, acting jointly, at least one of whom shall be a member of the minority party.

(3) Three members of the Advisory Commission shall be Members of the House of Representatives appointed by the Speaker of the House of Representatives, at least one of whom shall be a member of the minority party who is appointed in consultation with the leader of the minority party.

(4) Eight members of the Advisory Commission shall be individuals appointed by the President from among individuals who—

(A) are representative of business, labor, academic institutions, community organizations, and other private institutions and organizations; and

(B) have background and experience which has provided such individuals with knowledge concerning demographic, ecological, and economic trends, long-range data collection and analysis or the management of large enterprises, or with other experience relevant for membership on the Advisory Commission.

(d) Members of the Advisory Commission shall be appointed for a term of three years, except that—

(1) the term of office of the members first appointed under subsection (c)(1) shall expire, as designated by the President at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years;

(2) the term of members first appointed under subsection (c)(2) shall expire, as designated by the majority leader and the minority leader of the Senate at the time of appointment, one at the end of one year, one at the end of two years, and one at the end of three years;

(3) members appointed under subsection (c)(3) shall be appointed for a term of two years, and the term of members first appointed under such subsection shall expire, as determined by the Speaker of the House of Representatives at the time of appointment, one at the end of one year, and two at the end of two years; and

(4) the term of members first appointed under subsection (c)(4) shall expire, as des-

igned by the President at the time of appointment, three at the end of one year, two at the end of two years, and three at the end of three years;

No individual may be appointed to serve more than two terms on the Advisory Commission.

(e) The Advisory Commission shall elect one of its members as Chair of the Advisory Commission.

(f) Any vacancy in the Advisory Commission shall not affect its power to function. A vacancy in the Advisory Commission shall be filled in the manner in which the original appointment was made.

SEC. 7. PREPARATION OF CONGRESSIONAL REPORT.

(a) Not later than the end of 1994 and each second year thereafter, the Joint Economic Committee shall prepare for publication a Legislative Branch Report on Critical Trends and Alternative Futures.

(b) The legislative branch report shall examine the information and methods of analysis used in preparation of the executive branch report.

(c) The legislative branch report may include a response to the contents and conclusions of the executive branch report.

(d) The legislative branch report may contain—

(1) an identification and analysis of critical trends and alternative futures for the ensuing twenty-year period;

(2) a description of the relationship of such trends and alternative futures to the economic, technological, political, environmental, demographic, and social causes and consequences;

(3) an analysis of such trends and alternative futures with respect to present and future problem areas and potential future opportunities;

(4) an evaluation of the effects of existing and alternative Government policies on such trends; and

(5) an identification of the information and a discussion of the analysis upon which conclusions in the report are based.

(e) Such reports shall be based upon information obtained from sources outside the Federal Government and upon information obtained from Federal departments and agencies.

(f) The Congressional Budget Office, the General Accounting Office, the Congressional Research Service of the Library of Congress, the Office of Technology Assessment, the Congressional Clearinghouse on the Future, and other entities within the legislative branch shall make available such information as may be required for the purpose of carrying out this section.

(g) Upon approval by the committee, such report shall be submitted to each House of the Congress and shall be made available within the Government and to the public as a public document.●

By Mr. PRYOR:

S. 1349. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

BROKER REPORTING REQUIREMENTS

● Mr. PRYOR. Mr. President, I stand today to introduce legislation to provide regulatory relief to thousands of small businesses across the country. This bill will clarify the reporting re-

quirements for mom-and-pop coin and bullion dealers, who have been unfairly treated by the IRS in the regulatory process.

The 1982 Tax Equity and Fiscal Responsible Act [TEFRA] changed Internal Revenue Code section 6045 to broaden the authority of the Internal Revenue Service in regard to the mandatory filing of reports by securities brokers and others.

In March 1983, the IRS promulgated its first regulations which became effective for transactions made on or after July 1 of that year. On March 5, 1984, the IRS issued proposed regulations to modify the March 1983 regulations. The proposed regulations conflict directly with the promulgated regulations, and the IRS has failed to take any action to clarify which set of regulations are binding. As a result, taxpayers find themselves in the impossible situation of having to conform to both sets of regulations at the same time.

There also seems to be confusion within the IRS as to the proper enforcement of these regulations. Some IRS agents require taxpayers to file 1099(b) reports on all transactions. Some agents ignore the regulations altogether. While other agents have suggested an arbitrary de minimis limit, such as 1 ounce of gold or 1 silver coin. All the while, these business people around the country do not know when the other shoe will fall, and the IRS will come in and decide retroactively whether or not their businesses are in compliance with the regulations.

Mr. President, this is no way to do business. If the Federal Government is going to require taxpayers to comply with costly and time-consuming reporting requirements, the least we can do is clarify the law so that people know whether or not they are in compliance with those laws.

This bill will clarify the definition of "broker." It provides that collectibles are not brokered property. Finally, it exempts small transactions from the reporting requirements.

I believe this is a fair resolution to the problem, and I urge Senators to join with me as cosponsors. Mr. President, I ask unanimous consent that the full 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. 1349

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

SECTION 1. CLARIFICATION OF DEFINITION OF TERM "BROKER".

Paragraph (1) of section 6045(c) of the Internal Revenue Code of 1986 (relating to returns by brokers) is amended to read as follows:

"(1) BROKER.—
"The term 'broker' includes—
"(A) a dealer,

"(B) a barter exchange, and

"(C) any other person

if such dealer, barter exchange, or other person regularly acts (for a consideration) as a middleman with respect to property or services."

SEC. 2. COLLECTIBLES NOT INCLUDED IN REPORTED BROKERED PROPERTY.

Subsection (c) of section 6045 of the Internal Revenue Code of 1986 (relating to returns by brokers) is amended by adding at the end thereof the following new paragraph:

"(5) PROPERTY OR SERVICES.—The term 'property or services' does not include any work of art, rug, antique, metal, gem, stamp, coin, alcoholic beverage, gun, or any other tangible personal property specified by the Secretary for purposes of this section."

SEC. 3. RELIEF FROM REPORTING REQUIREMENTS FOR SMALL TRANSACTIONS.

Section 6045 of the Internal Revenue Code of 1986 (relating to returns by brokers) is amended by adding at the end thereof the following new subsection:

"(f) EXCEPTION FROM FILING FOR SMALL TRANSACTIONS.—Except in the case of stocks, bonds, commodity futures contracts, securities, and other intangible personal property, subsection (a) shall apply only to a transaction the gross proceeds of which is more than \$10,000."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to transactions occurring after December 31, 1982.●

ADDITIONAL COSPONSORS

S. 197

At the request of Mr. SASSER the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 197, a bill to authorize the insurance of certain mortgages for first-time home buyers, and for other purposes.

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Oklahoma [Mr. BOREN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes.

S. 388

At the request of Mr. BINGAMAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 388, a bill to provide for 5

year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 686

At the request of Mr. MITCHELL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 686, a bill to consolidate and improve laws providing compensation and establishing liability for oil spills.

S. 804

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 828

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques so as to add as much as 10 billion barrels to the U.S. reserve base, to extend the production of certain stripper oil and gas wells, and for other purposes.

S. 893

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alabama [Mr. SHELBY], the Senator from Utah [Mr. HATCH], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 1051

At the request of Mr. BOSCHWITZ, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1051, a bill to promote the development of small business in rural areas.

S. 1081

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. ROBB], the Senator from Louisiana [Mr. BREAUX], the Senator from Alabama [Mr. HEFLIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1081, a bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families.

S. 1127

At the request of Mr. WILSON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1127, a bill to provide for fair and reasonable payment for services related to the insertion of intraocular lenses.

S. 1203

At the request of Mr. McCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1203, a bill to encourage Indian economic development.

S. 1253

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1253, a bill to amend the copyright law regarding work made for hire.

S. 1261

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1261, a bill to amend the Civil Rights Act of 1964 to clarify the burden of proof for unlawful employment practices in disparate impact cases, and for other purposes.

S. 1283

At the request of Mr. CONRAD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1283, a bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of damaging weather or related conditions in 1988 or 1989, and for other purposes.

S. 1314

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1314, a bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the coordinated program of research, promotion, and consumer education established for honey and honey products, and for other purposes.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 166

At the request of Mr. KERRY, the names of the Senator from Washington [Mr. ADAMS], the Senator from

Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Colorado [Mr. WIRTH], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to designate the period of September 16 through October 9, 1989, as "Coastweeks '89."

AMENDMENT NO. 253

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of amendment No. 253 intended to be 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.

AMENDMENT NO. 268

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUE], and the Senator from Massachusetts [Mr. KERRY] 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 CONCURRENT RESOLUTION 54—RELATING TO A WHITE HOUSE CONFERENCE ON WATER RESOURCES

Mr. DeCONCINI (for himself and Mr. DURENBERGER), submitted the following concurrent resolution, which was referred to the Committee on Environment and Public Works:

S. CON. RES. 54

Whereas water is more than a natural resource—it is a necessity of life;

Whereas the use we make of the water resources of our Nation may in large measure determine our future progress and the standard of living of our citizens;

Whereas it is essential to our continued growth and economic prosperity that we have an adequate supply of water, protect and manage our ground water and wetlands resources, have for our citizens safe drinking water supplies, abate and prevent pollution to the greatest extent possible, improve and maintain navigation and flood control protection, preserve our scenic and recreational areas, preserve fish and wildlife resources, and provide the financial means for developing and maintaining needed infrastructure;

Whereas the growing need for more coordinated development and operation of the Nation's water resources is apparent and, to achieve maximum beneficial utilization of water resources, planning for their use must be a cooperative effort participated in by all levels of government, the business and environmental community, academic and public interest organizations, and individual citizens;

Whereas the development of a national water policy is needed to ensure a coordinated and comprehensive focus on key water resources issues and is critical to the economic and social well-being of our citizens;

Whereas we are at a critical juncture in our history where the future of our Nation's water resources must be carefully planned and developed; and

Whereas there has never been a comprehensive water policy which considers all components of our Nation's water resource base: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States should convene a White House conference on water resources with the goal of focusing national attention on water and the critical need to develop a national policy which ensures the availability of this valuable resource for current and future generations.

Mr. DeCONCINI. Mr. President, today, my colleague, Senator DURENBERGER, and I have introduced a resolution which urges President Bush to convene a White House Conference on Water Resources. The resolution expresses a sense of the Congress on the need for a national forum to discuss

the major issues our country faces in the water resources area.

The resolution highlights the essential nature of water to the continued growth and economic prosperity of our country. It seeks to focus the attention of our Nation's leaders on the critical need to develop a national policy which ensures the availability of this valuable resource for current and future generations.

Mr. President, we are at a critical juncture in our history. This Nation's water resources must be carefully planned and properly developed. We cannot afford to wait until there is a crisis, but instead should look to the future and prepare accordingly.

A White House Conference on Water Resources would aid us in this effort by bringing together all interested parties—business, the environmental community, academia, all levels of government, individual citizens and public interest organizations—to provide a clear picture of this Nation's water resource needs.

AMENDMENTS SUBMITTED

FOREIGN ASSISTANCE AUTHORIZATION ACT

GORE (AND OTHERS) AMENDMENT NO. 277

Mr. GORE (for himself, Mr. SARBANES, Mr. LUGAR, Mr. KERRY, and Mr. BENTSEN) 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:

On page 49, between lines 18 and 19, insert the following:

SEC. 153. RESTRICTION ON POLITICAL APPOINTMENTS TO KEY POSTS.

(a) FINDINGS.—The Congress finds that—

(1) the United States must increasingly rely upon the professionalism and expertise of its diplomatic service to promote military, political, and economic objectives on which the national security of the United States depends;

(2) the practice of filling ever larger numbers of ambassadorial and key State Department posts with political appointees is undermining the Foreign Service as an instrument of American foreign policy;

(3) other major states do not engage in the practice of undermining their professional corps of diplomats for the purpose of granting political favors or of ensuring loyalty to the party line of the governing party;

(4) this practice has reached the point of causing the Foreign Service to curtail prematurely the careers of increasing numbers of its finest diplomats; and

(5) the range of political appointments to civil service positions has not generally exceeded ten to twenty percent, while the number of political appointments to ambassadorial and key State Department posts

has reached as high as approximately forty percent.

(b) POLICY.—Therefore, except in extraordinary cases where the President finds that a non-Foreign Service officer candidate possesses unique skills and information directly pertinent to the post to which he or she is to be assigned, and that the Foreign Service, as certified in writing by the Director General of the Foreign Service, does not have an equally qualified candidate for the same post in its active ranks, it shall be the policy of the United States that the President will not nominate persons from outside the career Foreign Service to more than 15 percent of all ambassadorial and key (Deputy Assistant Secretary and above) State Department posts.

(2) The Congress intends that the policy described in paragraph (1) should be enforced through natural attrition in the course of the term of the present President.

On page 3, after the items relating to section 152, insert the following new item:

Sec. 153. Restriction on political appointments to key posts.

HELMS AMENDMENT NO. 278

Mr. HELMS proposed an amendment to amendment No. 277 proposed by Mr. GORE to the bill S. 1160, supra, as follows:

At the end of the amendment, add the following:

Sec. . No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988 in the United States District Court for the Southern and Central Districts of Florida on drug related charges.

BYRD (AND OTHERS) AMENDMENT NO. 279

Mr. BYRD (for himself, Mr. DeCONCINI, Mr. BENTSEN, Mr. STEVENS, Mr. D'AMATO, Mr. GORE, Mr. SARBANES, Mr. LUGAR, and Mr. KERRY) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill add the following new section:

Condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria, and authorizing assistance for the relief of Turkish refugees fleeing Bulgaria.

(a) FINDINGS.—The Congress finds that—

(1) The Government of the People's Republic of Bulgaria is a signatory to the 1947 Paris Peace Treaty, the Universal Declaration on Human Rights by the United Nations, and the Helsinki Declaration of the Conference on Security and Cooperation in Europe;

(2) The Helsinki Accords express the commitment of the participating states to respect the fundamental freedoms of conscience, religion, expression, and emigration, and to guarantee the rights of minorities;

(3) The 1971 Constitution of the People's Republic of Bulgaria declares that fundamental rights will not be restricted because of distinction of national origin, race, or religion, and guarantees minorities the rights

to study in their mother tongue and freely practice their religion;

(4) Despite its international obligations and constitutional guarantees, the Government of the People's Republic of Bulgaria has taken numerous steps to repress Turkish language and culture, including prohibiting the study of the Turkish language in schools, banning the use of the Turkish language in public, making the receipt and reading of Turkish publications a punishable act, and jamming the reception

(5) The right of the ethnic Turkish community to freedom of religion has been severely circumscribed by the Government of the People's Republic of Bulgaria, which has closed a number of mosques and barred the importation of copies of the Koran;

(6) Emigration of ethnic Turks and others has been banned with only a few exceptions;

(7) Beginning in December 1984, the Bulgarian authorities forced the Turkish minority to change their Turkish names to Bulgarian ones, and hundreds of ethnic Turks were killed, injured, or arrested by Bulgarian forces in 1984 and 1985 when they protested this new policy;

(8) The Bulgarian authorities have used both force and coercion to resettle ethnic Turks from their local villages to areas in Bulgaria with small Turkish populations;

(9) In May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria;

(10) Hundreds of demonstrators were killed or wounded in these attacks, and hundreds more were arrested; and

(11) Since these demonstrations, the Government of the People's Republic of Bulgaria has forcibly expelled or coerced into emigrating to Turkey thousands of ethnic Turks without either their money or their possessions, often resulting in the separation of families.

(b) **POLICY.**—It is the sense of the Congress that the Congress—

(1) strongly condemns the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria;

(2) calls upon the Bulgarian authorities to immediately cease all discriminatory practices against this community and to release all ethnic Turks and others currently imprisoned because of their participation in nonviolent political acts;

(3) calls upon the Bulgarian Government to honor its obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely; and

(4) urges the President and Secretary of State to make strong diplomatic representations to Bulgaria protesting its discriminatory treatment of its Turkish minority and to raise this issue in all appropriate international forums, including the Conference on Security and Cooperation in Europe meeting on the environment in Sofia, Bulgaria, this year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

There are authorized to be appropriated to the Department of State, \$10 million for purposes of section 2(c) of the Migration and Refugee Assistance Act of 1962, to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey.

**PRESSLER (AND OTHERS)
AMENDMENT NO. 280**

Mr. PRESSLER (for himself, Mr. DOLE, Mr. D'AMATO, and Mr. DOMENICI) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

SEC. . HUMAN RIGHTS IN YUGOSLAVIA.

(a) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press;

(3) the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo;

(4) the human rights of all ethnic groups in Kosovo must be preserved;

(5) those human rights violations, in addition to recent actions taken to limit the social and political autonomy of Kosovo, have precipitated a crisis in that region;

(6) the response of the Government of Yugoslavia to that crisis was a police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

(7) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(8) the European Parliament of the European Community has condemned these actions by the Government of Yugoslavia.

(b) **STATEMENT BY THE CONGRESS.**—The Congress—

(1) expresses concern regarding human rights violations by the Government of Yugoslavia and its repressive handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Yugoslav Government to take all necessary steps to assure that further violence and bloodshed do not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in Yugoslavia; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives of Yugoslavia.

SARBANES AMENDMENT NO. 281

Mr. SARBANES proposed an amendment, which was subsequently modified, to amendment No. 280 proposed by Mr. PRESSLER (and others) to the bill S. 1160, supra, as follows:

HUMAN RIGHTS IN YUGOSLAVIA.

(a) **FINDINGS.**—The Congress finds that—
(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) recent months have seen increased violence and social unrest in the Socialist Autonomous Province of Kosovo;

(3) the State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

(4) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(5) the human rights of all ethnic groups in Kosovo must be preserved.

(b) **STATEMENT BY THE CONGRESS.**—The Congress—

(1) expresses concern regarding human rights abuses, violence and ethnic unrest in the Kosovo province;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence does not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo.

(4) requests the President and the Department of State to continue to monitor closely the human rights situation in Kosovo; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives in Yugoslavia.

**KENNEDY (AND OTHERS)
AMENDMENT NO. 282**

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. PELL, Mr. MOYNIHAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . FINDINGS.—

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989, at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of Democratic Nations to support the right of peoples everywhere to choose freely their own government.

(5) The goals of the Association would be to promote:

(a) the holding of elections at regular intervals which are open to the participation

of all significant political parties, which are fairly administered and in which the franchise is broad or universal;

(b) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

(c) international recognition of legitimate elections through international election observer missions at all stages of the election, including the campaign, the voting and the ballot counting.

(d) the mobilization of international opinion and economic measures against the military overthrow of democratic governments.

(e) the provision of economic assistance to strengthen and support democratic nations.

Sec. . It is the sense of the Senate that—

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom and justice and is in the interest of the United States.

(2) the President of the United States should give serious consideration to the implementation of the proposal, and should provide by December 31, 1989, a report to Congress on ways to establish such an Association of Democratic Nations.

Mr. KENNEDY. Mr. President, I send an amendment to the desk calling for the establishment of an Association of Democratic Nations. In the last decade, we have witnessed an extraordinary transfer of political power from dictatorship to democracy in countries across the globe. The United States and other nations have given extensive support to this worldwide struggle for democracy, and this amendment will encourage and enhance that support.

This proposal was first put forward on June 8th of this year during the commencement ceremonies at Harvard University by the world's newest democratic leader—Prime Minister Benazir Bhutto of Pakistan. In her eloquent speech before her alma mater, Prime Minister Bhutto recalled how important such international support was to her own struggle to bring democracy to Pakistan. From the letter to her by Senator PELL that she received in prison to the international delegation of election observers that monitored the 1988 elections, international support time and again provided critical assistance in her struggle. As Prime Minister Bhutto noted in her commencement address, "Democracy needs support and the best support for democracy comes from other democracies."

This amendment is straightforward. It recognizes that the proposal offered by Prime Minister Bhutto would advance the cause of democracy, freedom, and justice and is in the interest of the United States. It also urges the President to give serious consideration to the implementation of the proposal and to report to Congress by the end of the year on ways to establish an Association of Democratic Nations.

Democratic nations should come together in a new consensus to support what Prime Minister Bhutto has called "the most powerful political idea in the world today: the right of

people to freely choose their government." In Latin America and Central America, where dictatorships were once the norm, country after country has moved to a democratic form of government. Ignited by the people power revolution led by President Corason Aquino in the Philippines, the idea of democracy has spread throughout Asia—to South Korea, to Burma, to Pakistan, and to the students of China. And now we are witness to historic democratic movements in the Communist nations of Eastern Europe.

The United States has worked with democratic individuals and institutions in these nations in support of their efforts to promote freedom and justice in their own nations. We have urged free and fair elections, provided technical election assistance, sent international observer missions, and provided economic assistance to newly democratic nations. In cases where democracy continues to be denied, where dictators continue to brutalize advocates of freedom—such as in China—we have worked for international condemnation and diplomatic, military, and economic isolation of the government.

The imaginative proposal put forward by Prime Minister Bhutto would help to bring together the democratic nations of the world in a concerted effort to promote democracy and to support all peoples working to achieve it. America's own experience underscores how important international support is to a struggling democracy.

This amendment will put the United States and all the democracies of the world in the forefront of the effort to support struggling democracies everywhere. I urge my colleagues to lend their support to Prime Minister Bhutto's commendable proposal.

I also ask unanimous consent that the text of Prime Minister Bhutto's address at Harvard may be printed in the RECORD.

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

[From the Harvard Gazette, June 16, 1989]

**BHUTTO URGES DEMOCRATIC NATIONS TO
UNITE FOR FREEDOM**

[Note.—The following is the 1989 Commencement address by Prime Minister Benazir Bhutto.]

President Bok, members of the Board of Overseers, new graduates, and distinguished alumni. I am honored to have been asked to make this commencement address to the Class of 1989. First let me congratulate all those who have been awarded degrees at today's commencement.

No too long ago, I sat where you now sit. I can vividly recall the effort your degrees represent—tramping to class in sub-Arctic temperatures, fighting for reserve books at Hilles Library, cramming for exams, and the occasional all-nighter to complete a term paper.

Today is the day of celebration and I am privileged to share it with you. I am also greatly honored by the degree you have

conferred on me, I am grateful, President Bok, for the kind words in your citation. However, I regard this honor as more than a personal recognition.

I consider it an affirmative of your abiding belief in the universality of the principles of democracy, liberty and human rights. Events two centuries ago earned Cambridge, Boston, and the surrounding region the sobriquet "the cradle of liberty." It was here that the first successful struggle against European imperialism began. It was here—under the banner "no taxation without representation"—that the idea of government by the consent of the governed first gained currency.

Cambridge and Harvard were my cradle of liberty, too. I arrived from a country that, in my lifetime, had not known democracy or political freedom. As an undergraduate I was constantly reminded of the value of democracy by the history of freedom that permeates this place. It was not just the history of democracy that inspired me at Harvard. It was, above all, the concrete expression of it.

My Harvard years, 1969 to 1973, coincided with growing frustration over U.S. policy in Southeast Asia. This was particularly true in the campuses where students were in the forefront of those protesting the Vietnam War. For me, there were demonstrations on Boston Common and in Washington; mass meetings at Harvard Stadium.

Some American commentators argued that the division over Vietnam signalled American weakness. I saw it as a measure of America's greatness—a reflection of democracy in action—of an open society, which, because it is open has the means of regeneration and revitalization. In the Pakistan of those days, the press did not criticize the government—because the government controlled the press.

When I was a junior at Harvard, Pakistan initiated an experiment in democracy. The experience is instructive. As 1971 ended, our country was in ruins. A third of the territory and more than one-half of the population was gone, the result of a military defeat precipitated by military repression in what was then East Pakistan. War and mismanagement had left our treasury empty and our economy in shambles. Ninety-three thousand Pakistani soldiers were prisoners of war, threatened by their captors with trial and punishment. Internal discord in West Pakistan threatened the survival of what was left of our country. A protracted period of military rule produced this catastrophe.

It was a disaster resulting from rule without accountability, brought about by the arrogance of a self-imposed mission to save the country from its own people. In the face of catastrophe, what did our military leaders do? They turned power over to the civilians, to an elected Prime Minister.

In a pattern repeated by the Greek colonels and Argentine junta, our military said, in essence, "we have created a hopeless situation; we now wash our hands of the responsibility to resolve it." But resolve it we did. The elected Prime Minister negotiated an honorable peace with the victor. He secured the return of the prisoners of war. He put the economy back on its feet. And he initiated a program of social and economic reform to benefit the poor and dispossessed, who are the majority in our land.

All this was done, I might add, at a time of global economic recession brought about by the oil shocks of the 1970s. What then happened? As is the case of democracies, the po-

litical process again became rambunctious. Opposition politicians challenged the elected government in the press, at the polls, and in the streets.

The military whose dignity was restored by the elected government moved in "to end the squabbling politicians." The new dictatorship proved more brutal, more determined to stay in power than any of its predecessors. Elections were promised and summarily cancelled. The elected Prime Minister was arrested and then, under the cloak of a judicial proceeding, murdered. Flogging, imprisonment, and execution became the staple of political life in our land. Under the circumstances that were as remarkable as they were unexpected, Pakistan last fall got a second chance at democracy. It is an opportunity we must not lose.

In our first act, I am happy to say, our government freed all political prisoners and commuted all death sentences. We have restored freedom of speech, freedom of association, and freedom of the press. In the National Assembly there is a lively opposition and, for the first time in our history, the State-owned television provides full coverage of their activities. Senator Daniel Patrick Moynihan, who recently visited me in Islamabad, once wrote that "if you are in a country where the newspapers are filled with good news, you can be sure that the jails are filled with good men."

Even a casual review of our press would serve to confirm the obverse of the Senator's statement. Around the world democracy is on the march. In the last decade Pakistan is only the most recent country to change course from dictatorship to democracy.

But we must be realistic. We must recognize that democracy, particularly emerging democracy, can be fragile.

I have already cited the experience of our last democratic government. The example is not confined to Pakistan. In the Philippines, Corazon Aquino's three-year-old democracy has already endured several coup attempts. In Argentina, there have been half a dozen military rebellions. In Peru, terrorism and narcotics threaten a 15-year-old experiment in democracy.

Democracy needs support and the best support for democracy comes from other democracies. Already there is an informal network to support democracy. Annually, the United States prepares a report on human rights in every country.

In prison, I was heartened to learn that the Congress had linked U.S. assistance to Pakistan, in the Pell Amendment, to the "restoration of full civil liberties and representative government in Pakistan."

Friends of democracy in other countries, including Britain, Canada, and Germany, sent delegations to investigate human rights abuses in Pakistan. Our elections last November 16 were made easier by the presence of observers sponsored by the Democratic Party of the United States, the British Parliament, and the South Asian Association for Regional Cooperation.

This informal network for democracy can and should be strengthened. Democratic nations should forge a consensus around the most powerful political idea in the world today: the right of people to freely choose their government.

Having created a bond through evolving such a consensus, democratic nations should then come together in an association designed to help each other and promote what is a universal value—democracy.

Not every democracy organizes itself in the same way; nor does every democracy ex-

press itself the same way. But there are two elements I consider essential to all democracies. These are:

1) the holding of elections at regular intervals, open to the participation of all significant political parties, that are fairly administered and where the franchise is broad or universal; and

2) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

There are several ways in which members of an Association of Democratic Nations can help each other. One way is to ensure the impartiality of elections. After all, democracy as a system of government can only work when all participants in the political process accept the verdict of the people.

For the verdict to be accepted as legitimate, elections must not only be fair, but they must also be seen to be fair. International observer missions have already played critical roles in ensuring fair outcomes to elections in several countries, including mine.

The presence of observers is a deterrent to fraud. The observers' report can help legitimize an election in an emerging democracy where popular skepticism can be rife (as in South Korea), or it can validate local perceptions of fraud, as in the Philippines and Panama.

Observers also bring television cameras with them. It is harder to steal an election if the whole world is watching, and, as the experience of the Philippines suggests, attempted fraud under the glare of television lights can help galvanize a popular uprising.

There are other ways in which an Association of Democratic Nations can provide some protection for democratic governments in the Association. In countries without established traditions of representative government, democracy is always at risk. All too often, there is the overly ambitious general, the all-too-determined fanatic, or the all-too-avaricious politician. The Association of Democratic Nations can help change the calculus for each of these potential coup plotters by adding the element of international opprobrium.

The Association can mobilize international opinion against the leaders of any coup. Ultimately, I believe, the door should be open to stronger steps, including economic sanctions. Democracy depends on our ability to deliver to the people.

Many new democracies find that dictatorship has left them with empty treasuries—because of reckless spending and no accountability under dictatorship. As was true for new democracies in other lands—notably Argentina and Brazil—we in Pakistan also found that dictatorship had left the state coffers empty. Our situation is not unique. Other new democracies have come to power to find the cupboard bare.

The Association could promote the idea that foreign aid should be challenged to democracies. There is nothing wrong with rewarding an idea in which the donors believe. The prospects for democracy may depend on it. Some may object that the Association I am proposing will have primarily moral force.

I acknowledge this, but I would urge that morality has a larger power in international relations than commonly recognized. Democratic nations can also cooperate in building an international machinery to protect human rights and principles of justice and due process of law.

National efforts to strengthen institutions that protect people from human rights

abuses and guarantee their political freedoms need to be reinforced at the international level.

Dictatorships will always seek ways and means to clothe their crime in the garb of legality—always seek to settle political scores and eliminate opponents in the name of justice, law, and due process.

The instrument that they use is as old as political history, as old as the trial of Socrates. It is the instrument of the Political Trial—a most pernicious and destructive weapon, which in the hands of skillful manipulators is extremely effective in suppressing dissent and in destroying opponents. I believe it is time that the international community makes a concerted effort to put an end to such practices.

In my country many of those who resisted dictatorship—the heroes of our democratic struggle—were young men and women of your age. Many of them endured long periods of incarceration, and faced charges on political trials that were a travesty of truth and justice.

Many suffered the worst forms of torture and the humiliation of the physical punishment of flogging. Indeed, many had to make the supreme sacrifice with their young lives.

I can never forget what they endured. I can only strive with all my strength to give meaning to what they sought—those simple but priceless freedoms that you here, perhaps, take for granted.

But it is faith that inspired and provided sustenance to our democratic struggle—faith in the righteousness of our cause, faith in the Islamic teaching that 'tyranny cannot long endure.' How wrong therefore is the picture that is often painted about Pakistan as a country that cannot be democratic because it is Muslim. I have often heard the argument that a Muslim country as such cannot have or work democracy.

But I stand before you, a Muslim woman, the elected Prime Minister of a hundred million Muslims, a living refutation of such arguments and notions. This has not happened as an isolated phenomenon.

It has happened because the people of Pakistan have demonstrated, time and again, that their faith in their inherent right to fundamental freedoms is irrepressible, that they will always fight against dictatorship.

This love for freedom and human rights may owe a considerable deal to the colonial legacy and to the example of Western democratic institutions. But it arises fundamentally from the strong egalitarian spirit that pervades Islamic traditions. The Holy Quran calls upon Muslims to resist tyranny. Dictatorships in Pakistan, however long, have therefore always collapsed in the face of this spirit.

Islam, in fact, has a very strong democratic ethos. With its emphasis on justice, on equality and brotherhood of men and women, on government by consultation and consensus, Islam's essence is democratic.

Pakistan is heir to an intellectual tradition of which the illustrious exponent was the poet and philosopher Muhammad Iqbal. He saw the future course for Islamic societies in a synthesis between adherence to the faith and adjustment to the modern age.

It is that tradition which continues to inspire the people of Pakistan in their search for their own way of life amidst competing ideologies and political doctrines. Tolerance, open-mindedness, pursuit of social justice, emphasis on the values of equality and

social concord, and encouragement of scientific inquiry are some of its hallmarks.

It drew strength from the fact that Islam admits no priesthood and that Muslim culture, in its most vital and creative periods, accommodated and advanced what was best in other cultures. Intensely devoted as the pioneers of this tradition were to the Islamic spirit, they were also strongly opposed to bigotry and obscurantism in all their forms.

Xenophobia or prejudice against other civilizations, western or non-western, was repugnant to their outlook. I am indeed proud of this heritage. It is this heritage that has enabled me to take on the awesome responsibilities of the Prime Ministership of my country.

As my country stands on the threshold of greater freedom and sets the priorities that it will take into the 21st century, we draw our inspiration from what the poet-philosopher Iqbal said—and what is universally applicable:

"Life is reduced to a rivulet under dictatorship. But in freedom it becomes a boundless ocean." This is true in Pakistan, and on every continent on earth. Let all of us who believe in freedom join together for the preservation of liberty.

Democratic nations unite.
Thank you very much.

STATEHOOD CENTENNIAL COMMEMORATIVE COIN ACT

BAUCUS AMENDMENT NO. 283

Mr. MITCHELL (for Mr. BAUCUS) proposed an amendment to the bill (S. 681) to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes, as follows:

On page 2, strike line numbered 22.
Renumber (1)(B) to (1)(A); and (1)(C) to (1)(B).

On page 7, line numbered 9, after "Idaho Centennial", strike "Commission" and insert in lieu thereof "Foundation".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on August 3, 1989, on the preparation for 1990 farm bill: Sugar and honey. The hearing will be held at 9:30 a.m. in SR-332.

Senator KENT CONRAD will conduct the hearing. For further information please contact Miles Goggans of the subcommittee staff 224-2353 or Bob Young of the full committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Ag-

riculture, Nutrition, and Forestry, will hold a hearing on August 1, 1989, on the preparation for 1990 farm bill: Livestock and poultry. The hearing will be held at 10 a.m. in SR-332.

Senator MAX BAUCUS will conduct the hearing. For further information please contact Miles Goggans of the subcommittee staff 224-2353 or Bob Young of the full committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on August 1, 1989, on the implementation of the Agricultural Credit Act of 1987 by the Farmers Home Administration. The hearing will be held at 2:30 p.m. in SR-332.

Senator KENT CONRAD will conduct the hearing. For further information please contact Suzy Dittrich of the subcommittee staff 224-5207.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on August 2, 1989, on water quality protection. The hearing will be held at 9 a.m. in SR-332.

Senator WYCHE FOWLER, JR. will conduct the hearing. For further information please contact DuBoise White of the subcommittee staff 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 18, 1989, 9:30 a.m. for a hearing to consider the following Department of Energy nominations: Stephan A. Wakefield to be general counsel of the Department of Energy; J. Michael Davis to be an Assistant Secretary of Energy (Conservation and Renewable Energy); John J. Easton, Jr., to be an Assistant Secretary of Energy (International Affairs and Energy Emergencies); Jacqueline Knox Brown to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs); and Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement.

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

SPECIAL COMMITTEE ON AGING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the

Senate on Tuesday, July 18, 1989, at 9:30 a.m. to hold a hearing on rising prescription drug prices and the impact of this phenomenon on the elderly.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, July 18, 1989, at 3:30 p.m. to conduct hearings on the nomination of Michael Skarzynski to be an Assistant Secretary of Commerce.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 18, at 9:30 a.m., on S. 1237, the Degradable Commodity Plastics Procurement and Standards Act of 1989.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 18, 1989, at 2:30 p.m. to hold a hearing on the nomination of Rockwell Anthony Schnabel, of the District of Columbia, to be Under Secretary of Commerce for Travel and Tourism.

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

ADDITIONAL STATEMENTS

ABE STOLAR'S VISIT TO WASHINGTON

● Mr. DIXON. Mr. President, today we have the opportunity to celebrate a very special event. Abe Stolar, a U.S. citizen and Chicago native is visiting our great Capitol. Every year thousands of U.S. citizens have the opportunity to visit Washington and see democracy up close. But, Abe Stolar's visit is particularly special. Since 1974, Abe, who was taken by his family to the Soviet Union in the early 1930's, has fought to leave the Soviet Union.

This past March, after many unsuccessful efforts, Abe, his wife Gita, and their son, Michael, were finally allowed to emigrate to Israel. Abe and Gita are now visiting our Nation so that he can meet and personally thank the many individuals who helped his family achieve their dream of freedom.

As cochairman of the Congressional Call to Conscience of the Union of

Council for Soviet Jews, I took great interest, along with my close colleague, PAUL SIMON, and many others, in the Stolar's case. This evening, to welcome the Stolar's to Washington, several of my colleagues and I will host a reception in Abe's honor. We hope that your schedules will allow you to stop by and meet Abe and his wife Gita. They are a courageous family, and a poignant reminder that we must continue to press for human rights in the Soviet Union. ●

MRS. ELIZABETH S. PORTER, AN OUTSTANDING WOMAN

● Mr. LUGAR. Mr. President, today I would like to pay tribute to Mrs. Elizabeth S. Porter, an outstanding woman. She was a pioneer—the first woman to graduate from the Christian Theological Seminary—during a time when women were not readily encouraged to go into the ministry.

Mrs. Porter is known nationally as well as locally as an advocate for senior citizens. Nursing homes and convalescent homes are her "second home." She has received many honors and citations because of her untiring dedication to this special group of people.

Through the years she has enriched the lives of many people by finding the energy to serve, to work, and to lead—shouldering countless burdens with entailing good humor and grace; she has used her own money and collected money from friends to help others.

Mrs. Porter serves as a role model for many youngsters by filling them with the desire to "stay in school" and to "go to college." She is constantly giving them encouragement.

I ask my colleagues to join me in saluting this remarkable lady. ●

ALLOCATION OF FISCAL YEAR 1990 SPENDING AUTHORITY TO THE SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES

● Mr. NUNN. Mr. President, under section 302(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and House of Representatives that have jurisdiction over spending authority. The 302(a) allocation of the fiscal year 1990 budget totals among the Senate committees was printed in the conference report on the fiscal year 1990 budget resolution.

Section 302(b) of the Budget Act requires committees to allocate such spending authority among either subcommittees or programs within their jurisdiction. After consultation with appropriate committees of the other

House, the committees are required to report the allocations they have made to their respective House.

The Committee on Armed Services submits the following report in compliance with section 302(b) of the Budget Act allocating its direct spending authority among the subcommittees. I ask that the report be included in the RECORD at this point.

The report follows:

REPORT OF THE COMMITTEE ON ARMED SERVICES PURSUANT TO SECTION 302(B) OF THE CONGRESSIONAL BUDGET ACT OF 1974

Mr. NUNN, from the Committee on Armed Services, submitted the following

REPORT

The Committee on Armed Services, which was allocated certain budget authority and outlays by the managers of the conference on the House Concurrent Resolution 106, reports the division of such allocations among subcommittees of the Committee for fiscal year 1990.

BACKGROUND

Under section 302(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and House of Representatives that have jurisdiction over spending authority.

Section 302(b) of the Act requires the committees to allocate such spending authority among either subcommittees or the programs over which they have jurisdiction. After consultation with appropriate committees of the other House, the committees are required to report the allocations they have made.

ALLOCATION RECEIVED BY THE COMMITTEE

The allocation received by the Committee on Armed Services from the managers of the conference was in two parts: (1) direct spending authority; and (2) entitlements that require appropriations.

The direct spending authority allocation was made to this committee of original and complete jurisdiction for the federal programs and activities assumed in the allocation.

Entitlements and other direct spending accounts that require appropriations were allocated both to this committee and to the Appropriations Committee of the Senate. These amounts, therefore, are reflected in the reports filed by both committees as required by section 302(b).

The Committee on Armed Services received the following allocations for fiscal year 1990:

| <i>Fiscal Year 1990</i> | |
|-------------------------------------------|-----------------|
| Direct spending authority: | <i>Millions</i> |
| Budget authority..... | \$46,882 |
| Outlays..... | 32,778 |
| Entitlements that require appropriations: | |
| Budget authority..... | 0 |
| Outlays..... | 0 |

ALLOCATIONS MADE BY THE COMMITTEE

The Committee has made its allocations among the several subcommittees as shown in the following table. Budget authority and outlay figures are CBO baseline estimates incorporated in the budget resolution.

The total amount of funds allocated in this report is equal to the allocations made to this Committee in H. Con. Res. 106, the

Concurrent Resolution on the Budget for Fiscal Year 1990.

Fiscal Year 1990

| | |
|--------------------------------------------------------|-----------------|
| Subcommittee on Manpower and Personnel: | <i>Millions</i> |
| Budget authority..... | \$46,835 |
| Outlays..... | 32,730 |
| Subcommittee on Readiness, Sustainability and Support: | |
| Budget authority..... | 46 |
| Outlays..... | 48 |

SUBCOMMITTEE ACCOUNT ASSIGNMENTS FOR FISCAL YEAR 1990 COMMITTEE ON ARMED SERVICES

(Dollars in millions)

| | Amount |
|--------------------------------------------------------------------------------------------------------|----------|
| Committee total: | |
| Budget authority..... | \$46,882 |
| Outlay..... | 32,778 |
| Subcommittee on Manpower and Personnel: | |
| 1. Account Name: Payment to military retirement fund— | |
| Budget authority..... | 11,183 |
| Account Number: 97 0040 0 1 054—Outlay..... | 11,183 |
| 2. Account Name: Military retirement fund—Budget authority..... | 35,470 |
| Account Number: 97 8097 0 7 602—Outlay..... | 21,409 |
| 3. Account Name: Education benefits fund—Budget authority..... | 182 |
| Account Number: 97 8098 0 7 702—Outlay..... | 138 |
| 4. Account Name: Miscellaneous trust fund (other veterans benefits and services)—Budget authority..... | 0 |
| Account Number: 20 9971 0 7 705—Outlay..... | 0 |
| 5. Account Name: Payment of claims—Budget authority..... | 0 |
| Account Number: 84 8930 0 7 705—Outlay..... | 0 |
| 6. Account Name: Retired pay, defense—Budget authority..... | 0 |
| Account Number: 97 0030 0 1 602—Outlay..... | 0 |
| Subcommittee subtotal: | |
| Budget authority..... | 46,835 |
| Outlay..... | 32,730 |
| Subcommittee on Readiness, Sustainability and Support | |
| 1. Account Name: Department of the Navy trust funds— | |
| Budget authority..... | 27 |
| Account Number: 17 9972 0 7 051—Outlay..... | 27 |
| 2. Account Name: Navy trust revolving funds—Budget authority..... | 0 |
| Account Number: 17 9981 0 8 051—Outlay..... | 4 |
| 3. Account Name: Department of the Army trust funds— | |
| Budget authority..... | 0 |
| Account Number: 21 9971 0 7 051—Outlay..... | 0 |
| 4. Account Name: Surcharge collections, sales of commissary stores, Army—Budget authority..... | 0 |
| Account Number: 21 8420 0 8 051—Outlay..... | 2 |
| 5. Account Name: Department of the Air Force general gift fund—Budget authority..... | 0 |
| Account Number: 57 8928 0 7 051—Outlay..... | 0 |
| 6. Account Name: Air Force trust revolving funds—Budget authority..... | 0 |
| Account Number: 57 9982 0 8 051—Outlay..... | 9 |
| 7. Account Name: Claims, Defense—Budget authority..... | 0 |
| Account Number: 97 0102 0 1 051—Outlay..... | 0 |
| 8. Account Name: Homeowners assistance fund, Defense— | |
| Budget authority..... | 3 |
| Account Number: 97 4090 0 3 051—Outlay..... | 2 |
| 9. Account Name: Coast Guard general gift fund—Budget authority..... | 0 |
| Account Number: 69 8533 0 7 403—Outlay..... | 0 |
| 10. Account Name: Panama Canal revolving fund—Budget authority..... | 0 |
| Account Number: 95 4061 0 3 403—Outlay..... | 0 |
| 11. Account Name: Barry Goldwater scholarship and excellence in education fund—Budget authority..... | 4 |
| Account Number: 95 8281 0 7 502—Outlay..... | 1 |
| 12. Account Name: Panama Canal Commission compensation fund—Budget authority..... | 12 |
| Account Number: 16 5155 0 2 602—Outlay..... | 3 |
| Subcommittee subtotal: | |
| Budget authority..... | 46 |
| Outlay..... | 48 |
| Grand total: | |
| Budget authority..... | 46,882 |
| Outlay..... | 32,778 |

ASBURY PARK, NJ, TO CELEBRATE POLISH FREEDOM DAY

● Mr. LAUTENBERG. Mr. President, the mayor and council of the city of Asbury Park, NJ, have proclaimed Sunday, August 27, 1989, Polish Freedom Day, in honor of the 50th anni-

versary of an event decisive in the history of the world, the attack upon Poland by the Nazi and Soviet Hordes.

I rise to pay tribute to the brave Polish people who fought valiantly in the struggle for freedom and independence in Poland, and to honor Polish-Americans, who have, since our Nation's birth, fought for freedom and democracy here in America. Our Nation is a stronger Nation, thanks to the contribution of generations of Polish-Americans.

We seek not only to honor the Polish-Americans who gallantly fought against the forces of tyranny and oppression 50 years ago, we seek to honor also a people that is right now, bravely continuing the struggle for freedom and democracy. The recent elections in Poland mark an important victory in that struggle.

I extend my very best wishes to the citizens of Asbury Park as they gather to celebrate the Seventh Annual Polish Festival. May they continue to commemorate this important day for many more years to come.●

AGRICULTURE COMMODITY-BASED PLASTICS DEVELOPMENT ACT, S. 244 AND THE DEGRADABLE COMMODITY PLASTICS PROCUREMENT AND STANDARDS ACT, S. 1237

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of two bills which strive to promote the development of degradable plastics markets by increasing the purchases of these items by the Federal Government. These two bills, introduced by my distinguished colleague from Ohio, Senator GLENN, are the Agriculture Commodity-Based Plastics Development Act (S. 244) and the Degradable Commodity Plastics Procurement and Standards Act (S. 1237).

The United States is currently generating approximately 160 million tons of solid waste each year. At this rate our country faces the prospects of being buried by our own garbage in the near future.

Storage of solid waste in landfills is currently the cheapest form of disposal, however, active landfills are declining rapidly. The EPA estimates that half of the Nation's 6,000 municipal landfills will close within the next 5 years. Added to this problem are environmental concerns associated with landfills, such as ground water contamination, surface water contamination, and methane gas generation.

Currently, it is estimated that plastics comprise between 20-30 percent of a landfill by volume, and 7 percent by weight. While many materials in an landfill eventually decompose, plastics do not.

There has been extensive research into a new kind of plastic that does degrade. What makes these plastics

unique is the addition of cornstarch, which aids in the decomposition process. Use of these new biodegradable plastics will provide a new market for our Nation's agricultural industry while at the same time helping our environment.

S. 244 requires the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities and making these products available to Federal agencies. The GSA Administrator is further directed to encourage development and use of biodegradable agricultural commodity-based plastics through a system of preferential Government procurement, as well as establish an interagency working group to coordinate such activities. In both bills, preferential Government procurement by the GSA will provide incentive for further technological development of biodegradable plastics.

In addition, S. 1237 establishes an interagency council composed of Federal Government agencies in consultation with private agencies demonstrating interest in these issues to develop uniform standards, definitions, and testing procedures for degradables.

I believe that opportunities for the expansion of agricultural based products are abundant. Taking the case of the new cornstarch-based degradable plastics, we can see that benefits are not limited to the agricultural market, but may extend to other areas such as the environment and technological development in a similarly beneficial manner.

I urge my colleagues to join me in cosponsoring these measures, which encourage us to make the most from our resources in an efficient and productive manner.●

FEDERAL ENERGY REGULATORY COMMISSION MEMBER TERM ACT OF 1989, S. 388

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Federal Energy Regulatory Commission Member Term Act of 1989, S. 388. This legislation provides for 5-year, staggered terms for members of the Federal Energy Regulatory Commission [FERC]. Identical legislation introduced in the House indicates the universal recognition of its importance.

As the FERC exercises important regulatory powers over the Nation's natural gas and utility industries, this independent, 5-member commission is a significant determinant for the Nation's energy future.

At the end of the last Congress, the FERC found itself in a quandry when 2 seats on the commission became empty and the terms of 2 more members were to expire shortly thereafter. Because a situation like this could leave the FERC without a quorum to

conduct business, it is obvious that immediate rectification of conditions of Members' terms are necessary.

Passage of S. 388 would ensure that this situation does not occur again, as the bill would set 5-year, staggered terms of office, and provides that each term would expire at the rate of 1 per year. Currently, continuous expiration of the 5 Members' terms are in 1989, 1991, and 1992. The transition to fully staggered terms would be activated for terms ending in 1993 through 1997. Thereafter all terms will be based on the aforementioned 5-year terms.

This legislation provides a remedy to preventing the events of last year from occurring again. I urge my colleagues to support S. 388.●

COASTWEEKS 1989 SENATE JOINT RESOLUTION 166

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 166 which designates the 3 weeks of September 16-October 9 as "Coastweeks '89".

In years past we have watched with dismay and disgust as garbage polluted our treasured coastlines, degenerating not only the scenic beauty of these natural resources but their esthetic and economic values as well. Congress has recently passed legislation which will promote beautification of our shores, but the nationwide participation of individuals and communities in programs such as "Coastweeks" express even more the national desire to act, not just speak of rectifying the situations endangering our shores. Fishermen, scientists, elected officials and environmental organizations are just a few of the participants who will work together in an event which calls attention to the problems facing our coastal resources.

The purpose of "Coastweeks '89" is to bring together all those interested in preserving our oceans and beaches and devise strategies to combat the problem of coastal pollution. As the program ultimately creates a forum for educating the public about this detrimental situation, I urge my colleagues to join me in supporting this worthy resolution.●

DEATH OF CHESTER NORRIS LYNCH II

● Mr. McCONNELL. Mr. President, it is with a great deal of pride and sorrow that I bring to the attention of my colleagues a young man who lost his own life in a brave attempt to save the life of his companion, a young woman. I would like to insert into the RECORD two articles, one from the Lexington Herald-Leader and one from the Barbourville Mountain Advocate, about the heroic actions of Chester Norris Lynch II, 19, of Louisville, KY.

Chester Lynch and his companion, Diana Cook, of Louisa, KY, were both students at Carl D. Perkins Comprehensive Rehabilitation Center in Thelma, KY. The two were crossing a 140-yard-long railroad bridge nearly 60 feet above the Levisa Fork of the Big Sandy River on May 28, heading toward the center. When they were about halfway across the bridge an empty coal train rounded a blind curve heading straight for them. Chester reached the end of the bridge safely, but Diana's foot had gotten caught in one of the 4-inch spaces between the cross-ties of the bridge. In complete disregard for his own safety, Chester went back and tried to save her. The engineer slammed on his emergency brakes and leaned on the warning whistle of the train, but he did not have enough room to stop before striking the two students, 15 feet away from safety.

Chester was an active member of the center's basketball team. Having received a Kentucky Colonelcy about 5 weeks prior to the accident, he was named an honorary secretary of state on May 18, and on June 7 was awarded the city of Louisville's Mayor's Citation for Valor for his act of bravery performed at the risk of his own life.

Chester Norris Lynch II demonstrated unbelievable courage in trying to save Diana Cook. It is with honor and pride that I share his story with my colleagues. I hope that they take note of his bravery and join me in offering his family my most sincere condolences.

The articles follow:

[From the Lexington (KY) Herald-Leader]
HEROIC RESCUE ATTEMPT COST STUDENT HIS LIFE

(By Lee Mueller)

PAINTSVILLE.—It might have been a scene out of a movie. But this was real life—and death.

Two 19-year-old handicapped students were halfway across a 140-yard-long railroad bridge Sunday afternoon when an empty coal train rounded a blind curve and charged straight at them.

The students, Chester Norris Lynch II of Louisville and Diana Cook of Louisa, turned and ran.

Lynch, a member of a basketball team at Carl D. Perkins Comprehensive Rehabilitation Center at Thelma, ran ahead of Miss Cook on the bridge's cross-ties, which have 4-inch spaces between them.

About 60 feet beneath them flowed the Levisa Fork of the Big Sandy River. Behind them, the CSX engineer slammed on his emergency brakes and leaned on the locomotive's warning whistle, state police said.

Lynch reached the end of the bridge, the engineer later told state police, but then he turned and ran back to help Miss Cook. They were about 15 feet from safety when the train ran over them, police said.

"The boy did a pretty brave thing," trooper Earl Gorrell said yesterday. "In complete disregard for his own safety, he went back and tried to save her. There was an act of heroism here."

In yesterday's aftermath, officials at the state operated rehabilitation school and other authorities were sorting out details of the incident.

"It's a tragic, unfortunate incident that we're very upset about and are trying to deal with," said William G. Duke, director of the center.

The 17-year-old rehabilitation center provides training for about 140 students from across Kentucky who have either physical or mental handicaps or both. Most of the students stay at the center.

A counselor at the rehabilitation center told Trooper Gorrell that neither Lynch nor Miss Cook was physically handicapped or had hearing problems. "He (the counselor) said they had been going together while at the center," Gorrell said.

Duke said details of students' activities at the center and their handicaps are, by law, confidential. "Both were fine students and were progressing well," he said.

All but about 60 or 70 of the students had gone home for the Memorial Day weekend, Duke said.

The CSX railroad line runs in front of the center, crosses Ky. 1107, and loops around a residential area before it crosses the 86-year-old steel bridge, which is mounted on two stone pillars.

"Ever since this facility's been here, we've been concerned about the railroad track and bridge," Duke said. "We're continually and constantly dealing with that problem."

Students are prohibited from walking to Paintsville, about three miles away—a rule aimed at keeping them off the railroad track and off a narrow stretch of Ky. 40 beside the river, Duke said.

Violators are sometimes restricted to their dormitories or have passes withdrawn, Duke said. "But our students are not in any fashion confined here," he said. "They are not committed here in any form or fashion. This is strictly voluntary."

The rules apparently did not stop several rehabilitation students from strolling on the railroad tracks or walking on the bridge.

Don Muncy of Thelma lives about 150 feet from the railroad bridge.

On Sunday afternoons and sometimes in the evening after classes, "I've seen as high as 10 go down through here at a time," Muncy said.

"They seemed like a decent bunch of kids. They never bothered nobody. They'd just go down through there, looking around."

Gorrell said Lynch and Miss Cook apparently had crossed the bridge and were on their way back to the rehabilitation center—visible from the bridge—when the east-bound train crossed Ky. 1107 and rounded the bend.

"There were two engines, and they were pulling 156 cars," Gorrell said. "They were only traveling about 30 miles an hour, but it still took them 900 feet to stop."

A secretary at the rehabilitation center information desk looked up and said, "the train stopped more abruptly than she'd ever seen it stop," Duke said.

The deaths were the first student casualties on the railroad tracks, he said.

"Both the students and the staff are upset," Duke said. A memorial service for the two victims has been tentatively scheduled for Wednesday, he said.

[From the Barbourville (KY) Advocate,
June 8, 1989]

FORMER RESIDENT'S GRANDSON LOSES LIFE

A young man with family ties to Barbourville lost his life May 28 in a futile attempt to save a girl near Paintsville.

He was Chester Norris Lynch II of Louisville, who was a student at the Carl D. Perkins Comprehensive Rehabilitation Center at Thelma, Ky.

Chester, who was 19, was a grand-nephew of former Barbourville mayor Lee Lynch and grandson of Curtis Lynch, now of Louisville, who used to run the Courtesy Cleaners at Second and Matthew Streets in the city. Curtis lived here between 1921 and 1954.

The Lexington Herald-Leader last week reported that Chester had been walking with a friend of his across a 140-yard-long railroad bridge.

The friend was Diana Cook of Louisa, Ky., who also was a student at the Perkins Center. She also was 19.

The two were about halfway across the bridge when an empty coal train came around a blind curve toward them. About 60 feet below the bridge was the Levisa Fork of the Big Sandy River.

Both students ran on the bridge's cross-ties to get off the structure, but Miss Cook's foot got caught in one of the four-inch spaces between the ties.

Chester, whose nickname was "Check," reached safety at the end of the bridge first but when he saw she was stuck he ran back to get her. The train struck them both.

The director of the Perkins Center said afterward that the railroad track and the bridge near the center have been recognized to be safety hazards for students, who are prohibited from walking to Paintsville about three miles away. But the rule is not always observed, he said.

Trooper Earl Gorrell said that Chester's action in trying to rescue the girl was an act of heroism "in complete disregard for his own safety."

Chester played on the basketball team at the center. His father, Chester Lynch Sr., is a Louisville real estate broker who attended the Barbourville School as a youth where he was known as Norris Lynch and also played softball in the city.

His son, Chester, had received a Kentucky Colonelcy about six weeks ago and also was named an Honorary Secretary of State. He suffered from dyslexia, a disturbance of the ability to read.

Among his survivors he left three sisters, Donna Dwell and Christine Lynch of Campbellsville, and Malissa Heron of Louisville, and four brothers, Donnie, Joshua, Robert and Micah, all of Michigan.

Graveside services were held at a family plot at the Barbourville Cemetery on May 31 after a funeral at the O.D. White Funeral Home in Louisville.●

CAPTIVE NATIONS WEEK—REFLECTIONS ON CURRENT DEVELOPMENTS

● Mr. RIEGLE. Mr. President, today we take heart in the movement toward freedom in several of the world's captive nations. One of the most striking developments in the past few weeks has occurred in Poland. Solidarity, the independent Polish labor union, has not only been included in the political process, but it is now acknowledged as

the government's official opposition. The overwhelming victory of Solidarity in the recent open elections was a decisive victory for the once underground labor movement, a victory for democracy, and a triumph for Poland.

In Hungary, the rapidly changing economic and political structure has evoked the support of President Bush. On July 12, at the Karl Marx Economics University in Budapest, the President offered \$25 million in support of Hungary's private sector and stated that he would seek commitments from the leading democracies to provide Hungary with additional economic and technical assistance.

Mr. President, I would also like to highlight several recent events in Lithuania. On March 26, 1989, Sajudis, the Lithuanian reform movement, took 38 of 40 contestable seats in the Congress of People's Deputies. Furthermore, on May 18, the Supreme Soviet of Lithuania adopted a resolution reasserting the sovereignty of the Lithuanian republic. These constitutional amendments enable Lithuania to veto Soviet legislation which it deems to be threatening to the cultural integrity of the Lithuanian people. Similar to the Polish experience, this kind of institutional reform promises the smoothest path to state sovereignty and durable economic and political reform.

In other captive nations, however, the prospects for democracy are considerably less certain. One need only think back to the events of Tiananmen Square, in the People's Republic of China. The PRC has enjoyed encouraging economic progress for at least a decade. Unfortunately, the Chinese government has continued to rule as a lumbering and corrupt bureaucracy despite profound economic growth and development. China's experience provides an important lesson for those governments in whose hands lie the destinies of the captive nations. Economic reform alone cannot meet the people's demand for freedom; ultimately, the people must be integrated into the political process.

The recent events in the Soviet Ukraine are also of great concern to me. On March 12, 1989, a peaceful demonstration for human, cultural, and religious rights was met with brutal force by the Soviet Special Forces. Tragically, over 300 Ukrainians were arrested and several national rights activists were detained and beaten by Soviet authorities. Despite the forcefulness with which Mikhail Gorbachev promotes perestroika, the oppression of the Ukrainian people stands out as a glaring contradiction to the espousal of openness and toleration of dissent.

The exciting developments in the captive nations have taken on a momentum of their own. For most of these nations, Mr. President, the

future looks bright indeed. For others, such as China and Ukraine, one can only hope that democracy prevails over tyranny and the arbitrary exercise of authority. The United States can help by expressing its revulsion with the shame of Tiananmen Square and the recklessness of Soviet force in Lviv.

The captive nations now present even a greater challenge to the two superpowers than ever before. As long as the Soviet Union continues to promote political openness and economic restructuring within the Russian republic, it must extend glasnost and perestroika to all republics under Soviet control. For the United States, the challenge of the captive nations is twofold. On the one hand, we must be careful not to force the hand of change beyond what the agents of change can peacefully accommodate. On the other hand, Mr. President, we cannot neglect to engage the captive nations with our commercial and economic presence, and with our values.●

CAPTIVE NATIONS WEEK

● Mr. SIMON. Mr. President, the third week of July has been proclaimed "Captive Nations Week" every year since 1959. I would like to voice my support for Captive Nations Week 1989.

Real progress is being made in Poland and Hungary, but we still have not seen completely free elections in any East bloc country. Some nations, like Bulgaria, East Germany, and Romania, have not even begun to make the move toward greater political and economic liberties. A truly free and fair election in any Eastern European country would turn out the ruling Communist parties by an overwhelming margin.

Democratic ideals hold a powerful appeal for people everywhere. The United States must always be there to support these ideals and keep the flame of hope alive among the oppressed peoples of the world. We should always encourage those struggling for freedom. We should do what we can to peacefully change the status of captive nations to that of free and prosperous nations.

I ask my colleagues to join me in sending this message to the people of the captive nations of the world.●

CARMEN ROMANO

● Mr. LIEBERMAN. Mr. President, every once in a while I bring to the attention of my colleagues some of Connecticut's community leaders. Today, I would like to speak for a few minutes about Carmen Romano, a man who has dedicated much of his life to helping Connecticut's elderly.

Mr. Romano, who is currently serving as chairman of the Governor's

Council on Aging, first began serving Connecticut's elderly in 1957. In that year, he was appointed by former Governor Ribicoff to serve as a member of the Commission on Services for Elderly Persons. He served as Chairman of the committee for 5 years until the Connecticut Department of Aging, whose authorizing legislation he helped draft, was created.

In my hometown of New Haven, Mr. Romano's work is evident in many different ways. In 1958, he opened the first senior citizen center in New Haven, a project he had worked on for a number of years. Not being one to rest on his laurels, Mr. Romano served as a consultant for the Commission on Aging in New Haven, which built a new senior center on Pool Road. Additionally, Mr. Romano directed a preretirement program for the employees of the Winchester Co., the first of its kind in New Haven, with labor and management participation.

I would be remiss to say that Mr. Romano has helped only Connecticut's elderly. Over the years, his innovative ideas and programs have been instituted by communities all over the country. Additionally, Mr. Romano has twice attended the White House Conference on Aging.

For his work, Mr. Romano has received numerous awards such as the Society of Gerontology David C. King Award, the New Haven Senior Council Award, and the Nutmeg Club of New Haven Award for his time and effort on behalf of senior citizens.

I hope that all my colleagues in this body will take note of Carmen Romano's dedication and join me in thanking him for all the outstanding work he has done on behalf of the elderly.●

USE OF POISON GAS IN SOVIET GEORGIA

● Mr. KERRY. Mr. President, on April 9, 1989, Georgian authorities used poisonous gas to quell a nationalist demonstration in Soviet Georgia. This action was in complete violation of recognized international codes of conduct, and constitutes a serious violation of human rights. Soviet authorities have openly recognized the tragedy, and have replaced Georgia's Prime Minister and the head of the Georgian Communist Party.

In response to this tragedy, House Resolution 144 was introduced on May 2, 1989. I believe that this resolution correctly expresses outrage with this type of action, and will support similar legislation that may be introduced in the Senate concerning this issue.

I ask that the following articles, "Party Chief: Army Used Poison Gas on Georgians," from the Boston Globe, published April 26, 1989, and "U.S. Doctors Say Soviets Used Potent

Tear Gas," also from the Boston Globe, published May 26, 1989, be included at this point in the RECORD.

The articles follow:

PARTY CHIEF: ARMY USED POISON GAS ON GEORGIANS

(By Robin Lodge)

TBILISI, SOVIET UNION.—Georgia's new Communist Party leader acknowledged yesterday that many of the 20 civilians who died in protests in the capital of the Soviet republic this month were killed by poison gas used by troops.

The official, Givi Gumbaridze, said the affair had caused a crisis of confidence in the Communist Party and had seriously harmed the process of reform.

"It has been established that tear gas was used. And a second type of gas was also used. There are cases of poisoning, and some people died," he told visiting foreign journalists.

Until yesterday, Soviet officials have said only that tear gas of the type used in other countries to disperse rioters was used on April 9, despite statements to the contrary by the Georgian Health Ministry.

The remarks by Gumbaridze, appointed after Soviet Foreign Minister Eduard Shevardnadze went to Tbilisi, was the most authoritative yet on the use of poison gas.

"There was a crisis of confidence in the party and we do not think that crisis is over," Gumbaridze told the reporters at the city's communist headquarters. "There is still a deficit of trust by the people; this is in no doubt."

Gumbaridze, who previously served as the republic's KGB security police chief, replaced Dzhumbar Patiashvili, who stepped down with Georgia's prime minister and president after the killings.

He was speaking a few hundred yards from the government building on Tbilisi's Rustaveli Prospekt where the troops, also armed with clubs and shovels and backed by tanks, attacked some 10,000 demonstrators calling for nationalist reforms.

Six prominent intellectuals, recently elected to the new Soviet parliament, said last week the demonstration was "essentially peaceful" and the troops had not been provoked.

Gumbaridze said blame for the heavy-handed treatment of the gathering lay with a small group within the Georgian Party who took the decision to send in the troops without consultation.

Gumbaridze said specialists from Moscow and Leningrad had come to help people suffering from the effects of the poisoning.

But members of an independent, officially sanctioned commission set up to investigate the affair said doctors were still unable to treat gas victims or establish what types of gas were used.

U.S. DOCTORS SAY SOVIETS USED POTENT TEAR GAS

(By Anne Wyman)

An old and particularly harsh form of tear gas was among those used against nationalist demonstrators in Soviet Georgia last month, according to three American doctors who returned from the area this week.

Human rights were violated by the use of tear gas against a civilian population and also by failure to disclose the nature of the gas so doctors could treat victims, the American doctors charged yesterday.

Uncertainty about the cause of death of 20 persons and the illness of some 4,000 more during peaceful demonstrations on

April 9 created panic and hysteria among the 1.3 million people of Tbilisi, said Dr. Jennifer Leaning, chief of emergency services at the Harvard Community Health Plan.

Leaning is a member of the Somerville-based Physicians for Human Rights, which made the trip at the invitation of a committee headed by Andrei D. Sakharov, the Soviet physicist and human rights activist.

The people of Soviet Georgia "could not believe the military had come in and killed their people and used poison gas," Leaning said. "It was as if it had happened in Brookline, Mass."

In an unusual piece of medical detection, the team, which included Dr. Barry H. Rumack, director of the poison center at Denver General Hospital in Colorado, and Dr. Ruth A. Brown of McLean Hospital in Belmont, were able to identify the gas chloropicrin as the cause of conflicting symptoms in victims of the April 9 clash.

The Soviet government at first denied the use of any gas in the confrontation, then was forced to admit the use of two forms of tear gas commonly called CN and CS. What puzzled doctors in Tbilisi were symptoms inconsistent with either gas, such as dry mouth, enlarged pupils and reduced bowel activity.

Arriving almost 10 days after the demonstration, the Americans, working with a team of French doctors and local physicians, received "autopsy material that was so scrambled it was impossible to tell the cause of death," said Leaning.

Patient records were reviewed and a Georgian neurosurgeon who had been gassed during the demonstration was able to recall the symptoms precisely. Finally, Rumack used the University of Tbilisi's mass spectrometer to confirm the presence of chloropicrin in a canister found at the demonstration site.

The chemical, used in riot control and military training during World War I and before the 1960s, is restricted to use as a fumigant for rodents and bugs and requires a licensed operator in the United States. It is usually not fatal and its effects wear off in seven to 20 days, Rumack said.

"Both the French, the Georgians and ourselves agreed on the entire process," Rumack said in a telephone interview.

Weeks after the demonstration, hundreds of children began showing symptoms of poisoning. These were determined to be entirely psychosomatic.

"The whole populace was suffering acute post-traumatic stress disorder, including some doctors," said Brown, who helped explain the poison during a two-hour television program in Soviet Georgia. ●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. item 227, Lt. Gen. Claudius E. Watts III, to be appointed to the grade of lieutenant general on the retired list in the Air Force.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; the motion to reconsider be

laid upon the table; that the President, be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination was considered and confirmed as follow:

AIR FORCE

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Claudius E. Watts III, U.S. Air Force.

Mr. HOLLINGS. Mr. President, I thank Senator NUNN and the Armed Services Committee for their expeditious handling of the retirement of Lt. Gen. Bud Watts, and I join Senator THURMOND in urging the Senate's approval of this nomination.

Mr. President, ordinarily the retirement of a distinguished officer is an occasion for regret. The beauty of this particular retirement, however, is that our Nation will not lose the talents and skills of this outstanding general officer. Properly understood, Lieutenant General Watts is not retiring from the Air Force, he is retiring to The Citadel. After a highly competitive selection process, the Board of Directors at the The Citadel voted without dissent to tap Lieutenant General Watts as the 17th president, in the college's distinguished history. I think it is a superb choice.

The fact is that Lieutenant General Watts embodies the highest qualities of character and leadership. He is a prime example of the kind of officer and gentleman The Citadel strives to mold. A native of Cheraw, SC, Bud Watts graduated from the The Citadel in 1958, won a Fulbright Scholarship, and earned a master's degree from Stanford's Graduate School of Business. Most recently, he has done an outstanding job as comptroller of the Air Force.

Mr. President, I join with Senator THURMOND in congratulating The Citadel on its excellent choice. In approving this retirement list, the Senate also extends to Lieutenant General Watts its best wishes for success at The Citadel. Bud Watt's distinguished career of public service now begins a new and important chapter.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

**BILL PLACED ON CALENDAR—
H.R. 1860**

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 1860, a bill relating to Federal annuitants

who are reemployed for the purpose of the 1990 census, just received from the House of Representatives, be placed on the calendar.

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

MEASURE HELD AT THE DESK— HOUSE JOINT RESOLUTION 281

Mr. MITCHELL. Mr. President, I ask unanimous consent that House Joint Resolution 281, which designates the Cordell Bank National Marine Sanctuary, just received from the House of Representatives, be held at the desk.

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

STATEHOOD CENTENNIAL COMMEMORATIVE COIN ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 155, S. 681, which requires the minting and issuance of a commemorative coin on the 100th anniversary of statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 681) to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 283

(Purpose: To make certain technical corrections)

Mr. MITCHELL. Mr. President, on behalf of Mr. BAUCUS, I send a technical 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 Maine [Mr. MITCHELL], for Mr. BAUCUS, proposes an amendment numbered 283.

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

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

The amendment is as follows:

On page 2, strike line numbered 22. Reumber (1)(B) to (1)(A); and (1)(C) to (1)(B).

On page 7, line numbered 9, after "Idaho Centennial", strike "Commission" and insert in lieu thereof "Foundation".

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

The amendment (No. 283) was agreed to.

Mr. BAUCUS. Mr. President, S. 681 is an amended version of a bill I introduced last year to commemorate the centennial of statehood for six Northwestern States. It has been 100 years since the States of Montana, North and South Dakota, Idaho, Wyoming, and Washington entered the Union. To commemorate this singular event, this bill would authorize the striking of both palladium and silver coins designed to highlight the unique heritage and importance of these six States.

It is a pleasure to say that Senators BURNS, ADAMS, BURDICK, CONRAD, DASCHLE, EVANS, McCLURE, PRESSLER, SIMPSON, SYMMS, and WALLOP join me as cosponsors of this legislation.

The States that are to be commemorated by this coin represent the culmination of Thomas Jefferson's vision, the uncharted and courageous journey of Lewis and Clark, and the subsequent settlement by people that drew their inspiration, vision, and strength from the very land. It is a land of great rivers—the Missouri, Columbia, and Snake, the Powder, Sweetwater, Salmon, and Yellowstone; and great mountains—the Wind River Range and Tetons, the Rockies, the Bitterroots, and Cascades.

Just as importantly, it is a land of great people—pioneering, enduring people with a sense of optimism and community, people who have helped define the American character, people from Calamity Jane and Wild Bill Hickock to Jeannette Rankin and Mike Mansfield. A land where Crazy Horse rode at will and Custer rode his last.

These States represent the culmination of Thomas Jefferson's dream of one land, from sea to shining sea. Land stretching from the Minnesota borders to the Straits of Juan de Fuca, and from the Canadian border to the Laramie Trail were brought together. The result was statehood for the great agricultural heartland and the northern tier of the Rockies to the Pacific Ocean.

This is a land of immigrants from Europe and the Orient; this is a land where native Americans are a proud part of our heritage. The coin that will commemorate these six States will underscore the brilliance of Jefferson's Louisiana Purchase and Daniel Webster's foresight in claiming the Oregon Territory through the Webster-Ashburton Treaty.

From the rain forests of the Pacific Northwest to the Rockies and onward to the Great Plains, this is a land of salmon and shipbuilding, coal and cattle, Yellowstone and Glacier Parks, the Olympics and Lake Coeur d'Alene. But most importantly, this is a land of people—sturdy people—as unique as the coin that will be struck for this occasion.

Mr. President, I would like to offer my personal thanks to Senator RIEGLE for his help with this bill and to Sharon Bauman of the Banking Committee staff whose expertise in re-drafting and improving the original bill was most helpful.

Mr. President, time draws short to enact this legislation in order to guarantee that this commemorative coin presents the people of these six States with the kind of acknowledgment they deserve. It is a fact that not a single commemorative honors a city or State in the Intermountain West. Thus, this coin would be an important reminder and recognition of the grandeur of this region and the goodness of the people it will represent.

Mr. McCLURE. Mr. President, I rise in support of the Statehood Centennial Commemorative Coin Act of 1989 of which I am an original sponsor. This bill commemorates the centennial of statehood for six northwestern States—Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming—by minting silver and palladium coins.

Mr. President, legend has it that the name Idaho comes from an Indian word meaning light on the mountains or gem of the mountains. Although historians have done their jobs and told we Idahoans that our long-held belief about the origin of our State's name is a myth, the reality is that Idaho is the gem of the mountains.

The Commemorative Coin Act will help celebrate the 100th year of the gem of the mountains by minting 1 million silver coins. Silver is one of Idaho's gems. In fact, Idaho is the largest silver producer in the United States. It accounts for close to one-fourth of the Nation's production.

The silver coins will be 90 percent silver and 10 percent alloy. The coins will be engraved on one side with the Centennial States' regional logo which depicts the centennial States and on the other with busts of Thomas Jefferson, and Lewis and Clark overlooking the Missouri River. Silver for the coins will come from the National Defense Stockpile.

In addition, profits from coin sales will go to reduce the deficit and to provide \$1.5 million for Documents West.

Mr. President, title II of this bill will allow the Secretary to mint and issue proof sets containing 90 percent silver. Proof sets have not contained silver since 1965 when the circulating coinage ceased to be made of silver.

A recent poll conducted by Coin World showed that collectors overwhelmingly prefer commemorative coins made of silver. Two thousand collectors were polled and 50 percent indicated they preferred silver to gold or clad. This is a strong indication that there is a great demand for these coins. Experienced retailers claim that

sales of the proof sets would double if the dime, quarter and half-dollar were made of traditional 90 percent silver.

Proof coins composed of 90 percent silver would consume approximately six-tenths of an ounce of silver per set. Thus, if sales remain constant, over 2 million ounces of silver would be consumed per year. If the retailers predictions are accurate, over 4 million ounces would be consumed. This silver will come from the National Defense Stockpile.

The Mint's very successful regular five-coin proof set program has traditionally achieved sales of 3.5 to 4 million sets annually. Beginning in 1988, the Mint further enhanced this successful program by offering the sets to coin dealers in bulk quantities with discounted prices. This marketing move increased sales of regular proof sets by half million sets. We expect the silver proof sets to be marketed in a similar manner. Annual sales through these two channels is expected to match, if not exceed, the sale of the regular proof coin sets, and consume 2 to 3 million ounces of silver each year.

I am pleased to be an original sponsor of this important legislation and ask my colleagues to join in our effort to celebrate this historic event.

Mr. SYMMS. Mr. President, I am pleased to support legislation to authorize the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. Beginning in November and continuing through the next 2 years, no fewer than six States will celebrate 100 years of statehood.

In 1889, North and South Dakota, Montana, and Washington were granted statehood. The following year, President Benjamin Harrison created my home State of Idaho as well as Wyoming. Together, these—the 39th through 44th States—made up more than one-fifth of the area of the United States. Also in 1889, the United States was celebrating the anniversary of the ratification of the Constitution. The East had long been settled and civilized, but west of the Missouri River the country was still raw and untamed. Statehood for this northern tier meant the official end of the frontier. Railroads had already spanned the prairies and mountains; now the ranges would be fenced and the lands would be tilled. Only Utah, Oklahoma, New Mexico, and Arizona were needed to complete the continental union.

The celebrating of the next 2 years will offer Americans a rare opportunity to sample a wide variety of historical exhibits and recreations as well as the small towns so characteristic of the West. Each of the six States will have events that focus on their own unique history and culture, but many

States are also planning joint celebrations with other States.

In my home State, the Idaho Centennial Foundation has produced a fine guide to products and sponsors of Idaho's centennial. In addition, many events are being planned including an All-Indian Expo, centennial summer games, an Idaho Centennial Trail, a major women's cycling event, a Basque festival, the annual National Oldtime Fiddlers' Contest as well as a centennial train that will run between Boise and Cheyenne.

This legislation would allow for the minting and issuance of not more than 350,000 \$5 palladium coins and 1,000,000 \$1 silver coins. With no net cost to the Federal Government, this issuance would utilize silver from stockpiles established under the Strategic and Critical Materials Stock Piling Act which would certainly help the declining silver market in northern Idaho.

Additionally, an amount equal to \$1,500,000 of all surcharges received by the Secretary of the Treasury from the sale of coins minted under this title shall be provided to the "Documents West" exhibition program. This provision will greatly aid in the exhibition of historical and educational artifacts pertaining to the six centennial States and will bring about increased awareness of these historic observances.

Mr. President, I join with the Senators from these six northern tier States as well as the many cosponsors to this legislation in urging support for final passage of this bill. This is a unique opportunity to join in the celebrations of six States and the many fine citizens promoting the observance of their historic pasts.

Mr. BURNS. Mr. President, I am extremely pleased to be here today supporting the passage of S. 681, the Statehood Centennial Commemorative Coin Act of 1989.

This bill directs the Treasury to mint 350,000 \$5 palladium coins and 1 million silver dollars to commemorate the centennial of six Western States—Montana, Wyoming, North Dakota, South Dakota, Idaho, and Washington. All of these States will celebrate the 100th anniversary of their statehood this year or next.

These six States share a common Western heritage and have made numerous contributions to the history of this great land of ours—from Lewis and Clark to General Custer. We also share many of the same qualities, such as being rich with natural resources. Silver and palladium are two of those resources. In fact, Montana has the distinction of being the only primary domestic source of palladium. The Stillwater Mine in Montana produces approximately 120,000 ounces of palladium a year. In addition, Idaho has

the distinction of being the home of the largest U.S. silver mine.

The coins that will be minted under this act will be an important addition to our centennial celebrations. I hope that the House will act quickly on this bill so as to make sure that coins are available during the centennial years—1989 and 1990.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill S. 681 was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 681

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

TITLE I—STATEHOOD CENTENNIAL COIN

SEC. 101. SHORT TITLE.

This title may be cited as the "Statehood Centennial Commemorative Coin Act of 1989".

SEC. 102. SPECIFICATIONS OF COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall mint and issue—

- (1) not more than 350,000 five-dollar palladium coins, and
- (2) not more than 1,000,000 one-dollar silver coins,

in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

(b) SPECIFICATIONS.—

(1) PALLADIUM COINS.—Each five-dollar palladium coin shall—

(A) weigh 31.103 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 23.327625 grams of palladium (.75 fine troy ounce) and shall contain an alloy of such metals and in such proportion as may be deemed necessary by the Secretary.

(2) SILVER COINS.—The silver coins shall—

(A) have a diameter of 1.500 inches; and

(B) be composed of 90 percent silver and 10 percent alloy.

(c) DESIGN.—The design of the coins minted in accordance with this section shall contain an engraving of the Centennial States' regional logo on one side; and on the other side, the bust of Thomas Jefferson, and the busts of Lewis and Clark overlooking the Missouri River. Each coin shall bear a designation of the value of the coin, the year 1989, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum". The reverse may also contain the words "Northwest Centennial" and "Statehood 1889-1890". Modifications to these designs may be made, if necessary, by the Secretary upon consultation with a duly authorized representative of the 6 States' Centennial Commissions. The design for each coin authorized by this title shall be selected by the Secretary upon consultation with the Commission of Fine Arts.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as

provided in section 5103 of title 31, United States Code.

SEC. 103. SOURCES OF BULLION.

(a) **PALLADIUM.**—The Secretary shall obtain palladium for the coins referred to in this title by purchase of palladium mined from natural deposits in the United States within one year after the month in which the ore from which it is derived was mined and by purchase of palladium refined in the United States. The Secretary shall pay not more than the average world price for the palladium. In the absence of available supplies of such palladium at the average world price, the Secretary shall purchase supplies of palladium pursuant to the authority of the Secretary under existing law. The Secretary shall issue such regulations as may be necessary to carry out this provision.

(b) **SILVER.**—The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 104. MINTING AND ISSUANCE OF COINS.

(a) **UNCIRCULATED AND PROOF QUALITIES.**—The coins minted under this title may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike each quality.

(b) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue the coins minted under this title as soon as practicable.

(c) **TERMINATION OF AUTHORITY.**—Coins may not be minted under this title after December 31, 1990.

SEC. 105. SALE OF COINS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) **BULK SALES.**—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount to reflect the lower costs of such sales.

(c) **PREPAID ORDERS.**—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount to reflect the benefit of prepayment.

(d) **SURCHARGES.**—Sales of coins minted under this title shall include a surcharge of \$20 for the palladium coin or \$7 for the silver coin.

SEC. 106. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 107. DISPOSITION OF PROCEEDS.

(a) **IN GENERAL.**—Except as provided in subsection (b), notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

(b) **REDUCTION OF NATIONAL DEBT.**—An amount equal to \$1,500,000 of all surcharges received by the Secretary from the sale of coins minted under this title shall be provided to the "Documents West" exhibition program and administered by the Idaho Centennial Foundation. These funds shall be used for the sole purpose of promoting the exhibition of historical and educational artifacts pertaining to the six Centennial States. The remaining amount of surcharges that are received by the Secretary from the sale of coins minted under this title shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

SEC. 108. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Idaho Centennial Foundation as may be related to the expenditure of amounts paid under section 107.

SEC. 109. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) **EQUAL EMPLOYMENT OPPORTUNITY.**—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity. No firm shall be considered a Federal contractor for purposes of 41 C.F.R. part 60 et seq. as a result of participating as a United States Mint coin consignee.

TITLE II—SILVER PROOF SETS

SEC. 201. SHORT TITLE.

This title may be cited as the "Silver Coin Proof Set Act".

SEC. 202. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF SILVER PROOF SETS.

Section 5112 of title 31, United States Code, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h)(1) Notwithstanding this section and section 5111(a)(1) of this title, the Secretary may mint and issue, in quantities the Secretary decides are necessary to meet the public demand, proof sets containing coins described in paragraphs (5) and (6) of subsection (a), and coins described in paragraphs (1), (2), (3), and (4) of subsection (a) that—

"(A) are an alloy of 90 percent silver and 10 percent copper,

"(B) have a design and inscriptions consistent with subsection (d)(1),

"(C) have reeded edges;

"(D) have a mintmark indicating their place of manufacture; and

"(E) bear a hallmark as determined by the Secretary evidencing their fine metal content.

"(2) The Secretary shall sell the proof sets minted under this subsection to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dyes, use of machinery, and overhead expenses).

"(3) For purposes of section 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items."

SEC. 203. SOURCE OF SILVER FOR PROOF SETS.

Section 5116(b) of title 31, United States Code is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary shall obtain silver for the coins authorized under section 5112(h) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act and from Treasury stocks on hand. At such time as the Secretary determines that a surplus no longer exists with respect to the sources referred to in the preceding sentence, the Secretary shall acquire silver for such coins by purchase of silver mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for the silver. The Secretary may issue such regulations as may be necessary to carry out this paragraph."

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. BURDICK. Mr. President, it is with a great deal of pride that I join my colleagues from the Great Plains and Pacific Northwest in recognizing the centennial celebrations of our home States.

Centennial coins will be unique and fitting commemoratives of the 100th birthday of our six States. The palladium coin will be the first of its kind minted in the United States and made from Montana palladium. I am pleased that the Senate has seen fit to pass this coin bill as a tribute to the great States of North Dakota, South Dakota, Montana, Idaho, Washington, and Wyoming.

This has been an historic summer for the State of North Dakota. This past Fourth of July, I was home for the largest celebration in North Dakota's history. Flying over the State between Fargo and Bismarck early on July 4, I had time to reflect on just how much we have to celebrate. From the fertile plains of the Red River Valley to the rolling hills around Bismarck to the Badlands on the other side of the Missouri River, our State offers wide open spaces, abundant wildlife, rich agricultural and energy resources, fresh air and some of the best people in the world.

My father, Usher Burdick, started serving North Dakota in the State legislature in 1906 and went on to serve the State in the U.S. House of Repre-

sentatives for 20 years. I'm proud of my family's work for this great prairie State and I'm proud to serve as a U.S. Senator for North Dakota.

I want to wish "happy birthday" to the people of all the centennial States. I also want to commend my colleague from Montana, Senator BAUCUS, for his efforts in passing the commemorative coin bill.

At age 100, these great States have something special in common—a colorful past to celebrate and a bright future to anticipate. I thank the Chair.

BILL INDEFINITELY POSTPONED—S. 783

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar item No. 76, S. 783, the natural gas de-regulation bill, be indefinitely postponed.

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

FALL SCHEDULE

Mr. MITCHELL. Mr. President, for the information of all Senators, the joint leadership has decided that November 10 will be the target sine die adjournment date for the 1st session of the 101st Congress.

I emphasize to all Senators that this is a target date and it is entirely possible that the Congress will have to

remain in session beyond November 10 in order to complete the necessary business.

The Republican leader and I have agreed that the Senate will not be in session during the week of October 9 through October 13. This recess period coincides with Yom Kippur and the Columbus Day national holiday.

ORDERS FOR TOMORROW

RECESS AND RESUME PENDING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. on Wednesday, July 19, and that following the time for the two leaders, the Senate resume consideration of S. 1160, the State Department authorization bill.

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

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, under the previous order, until 9:15 a.m. on Wednesday, July 19, 1989.

There being no objection, the Senate, at 6:55 p.m., recessed until Wednesday, July 19, 1989, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 18, 1989:

DEPARTMENT OF STATE

HOWARD K. WALKER, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF MADAGASCAR AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

LANNON WALKER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF THE NIGERIA.

GLEN A. HOLDEN, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

DEPARTMENT OF DEFENSE

JOHN A. BETTI, OF MICHIGAN, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE ROBERT B. COSTELLO, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate July 18, 1989:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CLAUDIUS E. WATTS III, [redacted] PR. U.S. AIR FORCE.

York City hotel room. Perhaps none of these honors and other distinctions would have been given him as much as he deserved as a member of the United States Supreme Court, the most distinguished death which recognized that some discoveries attributed to Einstein had actually been Tesla's work. It should be noted that Tesla was not himself involved in the split but rather companies that were doing the split. Tesla cared little for money or honors. Yet after Tesla's death in 1943, there were more honors to come. One can hardly emphasize them here.

Of special interest is the fact that the word "Tesla" became part of the language of electrical science—not only in the name of the Tesla Coil, but in the term "Tesla" for the unit of magnetic flux density. Thus the word "Tesla" with a small letter "t" is in the same class with terms such as ampere, ohm, volt, and watt—all of which have become so much a part of our language that we scarcely remember that they were all the names of great men. Tesla shares this honor with two other Americans—Joseph Henry (1797-1878) and the Italian American physicist Enrico Fermi (1901-1954), after whom the Fermi unit of particle momentum has been named.

In 1953 a bronze replica of a bust of Tesla was unveiled at the Technical Museum in Vienna. It is a copy of the original by the

and apartment, which he rented above all the importance of Nikola Tesla's discovery. The importance of Tesla's discovery was described quite graphically by the American electrical engineer Barnaby Astor (1875-1933), himself an Edison rival and a champion of electrical machinery and invention. "What we to eliminate from our industrial world the results of Tesla's work, the wheels of industry would cease to turn, our electric trains and cars would stop, our towns would be dark, our mills and factories dead and idle. So far-reaching is his work that it has become the warp and woof of industry."

Let us turn then to the known Tesla, indeed, the renowned Tesla. Through longer and many times during his lifetime and after by those who knew his worth. Let us give some examples.

In 1892 the Royal Institute in London invited Tesla to lecture there. So did the Institution of Electrical Engineers in London and the Physical Society of Paris in 1893. He lectured before the Franklin Institute in Philadelphia. This annual body presented him with the Certificate of the Elliott Cresson Gold Medal Award.

A dozen institutions of higher learning conferred honorary degrees on him: Columbia and Yale in 1894, the High Technical School in Vienna in 1898, the University of Belgrade and Yarmouk in 1926, the High Technical School in France in 1938, the High Technical School in Bonn in 1937, the

It would be difficult to find any important historical figure whom so many in America and yet who is as unknown as the American scientific discoverer Nikola Tesla (1856-1943). On the one hand there is an extraordinary man whose achievements have literally changed the face of the earth and who has received honors and recognition from all sides, from those that are new and value his work. On the other hand there is a discouraging and even shocking ignorance of Tesla and his discoveries by the vast majority of people today, including millions who own lives have been profoundly affected by Tesla's discoveries. He

Now I include in the Record except from a speech given by Dr. Michael B. Petrovich, professor of history, University of Wisconsin-Madison, before the Tesla Memorial Society, Niagara Falls, July 12, 1980.

From the Congressional Record, April 28, 1981.

Tesla, The Known, Unknown and Unknowable.

* The "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor. Matter set in this space indicates words inserted or appended, rather than spoken, by a member of the House on the floor.

EXTENSIONS OF REMARKS

COMMEMORATING NIKOLA
TESLA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to honor the 133d anniversary of the birth of a scientist whose inventions sit in the ranks with those of Edison, Watts, and Marconi. Throughout his life, this inventor was awarded 13 honorary degrees and 7 medals commending his revolutionary work with electrical machinery. Today, however, he has been deemed the "Forgotten Genius." His name: Nikola Tesla.

As a physicist, electrical engineer, and inventor, the Croatian-born Tesla came to America to dedicate his life to scientific research. The impact of his work is immeasurable. As the American electrical engineer Bernard Arthur Behrend once stated:

Were we to eliminate from our industrial world the results of Tesla's work, the wheels of industry would cease to turn, our electric trains and cars would stop, our towns would be dark, our mills and factories dead and idle. So far reaching is his work that it has become the warp and woof of industry.

Important inventions such as the synchronous and the split-phase motors comprised the generators of the Niagara Falls which were to supply electricity cleanly and cheaply. It is now 43 years after Mr. Tesla has passed away, but where is his name in the history books?

It is due time that we recognize Nikola Tesla for his revolutionary lifetime achievements, and it is a time for those of Croatian descent to salute one of their greatest forefathers.

Now, I include in the RECORD excerpts from a speech given by Dr. Michael B. Petrovich, professor of history, University of Wisconsin-Madison, before the Tesla Memorial Society, in Niagara Falls, July 12, 1980:

[From the Congressional Record, April 28, 1981]

TESLA: THE KNOWN, UNKNOWN, AND
UNKNOWABLE

It would be difficult to find any important historical figure about whom so much is known, and yet who is as unknown as the American scientific discoverer Nikola Tesla (1854-1943). On the one hand here is an extraordinary man whose achievements have literally changed the face of the earth and who has received honors and recognition from all sides, from those, that is, who know and value his works. On the other hand, there is a discouraging and even shocking ignorance of Tesla and his discoveries by the vast majority of people today, including millions whose own lives have been profoundly affected by Tesla's discoveries. He

has been called the Forgotten Genius. There is not only the known and the unknown Tesla, but the unknowable—called by some an eccentric, by others a mystic, a visionary, and a person of extraordinary powers of perception . . . And so Nikola Tesla's memory is virtually venerated by some and utterly neglected by many more. Tesla deserves to be known better.

It is not my purpose today to describe Tesla's life and works. This has already been done by dozens of biographers and historians of science. Perhaps it is enough merely to cite a readily available source such as the Encyclopaedia Britannica, whose 1969 edition states that Nikola Tesla was a "U.S. inventor of electrical devices and equipment who introduced the first practical application of alternating current. . . ." After some biographical details the article continues, "Tesla conceived the rotating magnetic field principle as an effective method of utilizing alternating current for power. He patented the induction, synchronous and split-phase motors, and new forms of generators and transformers; this equipment formed the system for the generation and use of power from Niagara Falls. By means of lectures in Europe and the United States beginning in 1891, he announced discoveries and applications of high frequency alternating current, including the high-frequency resonant transformer, or 'Tesla coil.'"

Behind this drily objective language there is a dramatic story, of a Serbian immigrant from Croatia, in Austria-Hungary, who came to this land of opportunity with four cents in his pocket, and who gave to it far more than it gave to him—except freedom and opportunity, which he valued above all. The importance of Nikola Tesla's discoveries was described quite graphically by the American electrical engineer Bernard Arthur Behrend (1875-1932), himself of Swiss birth and a designer of electrical machinery and inventor: "Were we to eliminate from our industrial world the results of Tesla's work, the wheels of industry would cease to turn, our electric trains and cars would stop, our towns would be dark, our mills and factories dead and idle. So far-reaching is his work that it has become the warp and woof of industry."

Let us turn, first, to the known Tesla, indeed, the renowned Tesla. Though forgotten by many today, Tesla was honored greatly and many times, during his lifetime and after, by those who knew his worth. Let me give some examples.

In 1882 the Royal Institute in London invited Tesla to lecture there. So did the Institute of Electrical Engineering in London and the Physics Society of Paris. In 1893 he lectured before the Franklin Institute in Philadelphia. This august body presented him with the Certificate of the Elliott Cresson Gold Medal Award.

A dozen institutions of higher learning conferred honorary degrees on him: Columbia and Yale in 1894, the High Technical School in Vienna in 1908, the Universities of Belgrade and Zagreb in 1926, the High Technical School in Prague in 1936, the High Technical School in Brno in 1937, the

Universities of Paris and Graz and the Polytechnical School in Bucharest in 1937, the University of Grenoble in 1938, and the University of Sofia in 1939.

Tesla was made a member or honorary fellow of various academic and professional societies: the American Association for the Advancement of Science in 1895, the American Electro-Therapeutic Association in 1903, the New York Academy of Sciences in 1907, the American Institute of Electrical Engineers in 1917, the Serbian Academy of Sciences in Belgrade in 1937, and many others.

The medals and other honors which he received were many. Among the first was the Montenegrin Medal of Prince Danilo I, awarded by Prince Nicholas of Montenegro in 1895. In 1917 the American Institute of Electrical Engineers gave Tesla the Edison Gold Medal Award. He almost did not make it for the award. One story is that he skipped out during the banquet to feed his beloved pigeons in Bryant Park, behind the New York Public Library. Luckily a colleague knew of his custom and was able to bring him back in time. In 1926 Tesla received the Yugoslav Order of St. Sava, and ten years later the Yugoslav Order of the White Eagle. In 1934 the City of Philadelphia awarded him the John Scott Medal Award. In 1938 the National Institute of Immigrant Welfare presented, Tesla with a scroll of honor as a foreign-born citizen whose influence was national and international in scope, constructive in character, and purposeful in objective. Tesla shared this honor with Justice Felix Frankfurter.

On his 75th birthday Tesla was given a yearly pension of \$7,000 from the Tesla Institute in Yugoslavia. This annual stipend saved him from dying penniless in a New York City hotel room.

Perhaps none of these honors and others during his lifetime would have given him as much satisfaction as a decision of the United States Supreme Court nine months after Tesla's death which recognized that some discoveries attributed to Marconi had actually been Tesla's previously and protected by patent. It should be noted that Tesla was not himself involved in the suit but rather companies that were using his patents. Tesla cared little for money or honors. Yet after Tesla's death, in 1943, there were more honors to come. One can hardly enumerate them here.

Of special interest is the fact that the word "Tesla" became part of the language of electrical science—not only in the name of the Tesla Coil, but in the term "tesla" for the unit of magnetic flux density. Thus the word tesla, with a small letter "t", is in the same class with terms such as ampere, ohm, volt, and watt—all of which have become so much a part of our language that we scarcely remember that they were all the names of great men. Tesla shares this honor with two other Americans—Joseph Henry (1797-1878) and the Italian American physicist Enrico Fermi, (1901-1954), after whom the henry and the particle fermion have been named.

In 1952 a bronze replica of a bust of Tesla was unveiled at the Technical Museum in Vienna. It is a copy of the original by the

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famed Croatian and Yugoslav sculptor Ivan Mestrovic, which is in the Yugoslav Academy of Arts and Sciences in Zagreb.

In 1952 there was also established the Nikola Tesla Museum in Belgrade, Yugoslavia. It was opened to the public in 1956, on the 100th anniversary of Tesla's birth. It is a magnificent monument to Tesla's memory and a fitting resting place for his ashes. The Tesla Museum contains not only various exhibits and mementoes of Tesla's life but a library and archives arranged in six groups: (1) personal and biographical data; (2) correspondence; (3) scientific papers; (4) diplomas, testimonials, honors, new articles; (5) technical drawings and plans; and (6) photographs. The director, Dr. Veljko Korac and his staff, deserve praise and gratitude for their work. In 1956 the Tesla Museum, under the auspices of a National Yugoslav Committee and the Society for the Promotion of Science and Technology, organized a round of commemorative activities celebrating the 100th anniversary of Tesla's birth. Among the distinguished guests who gathered in Belgrade for the occasion were Niels Bohr of Denmark, Arthur Flemming of Great Britain, Frederik Dahlgren of Sweden, and Carl Chambers and Richard Sogg of the United States. The last two came as the representatives of the American Institute of Electrical Engineers and brought a special citation with them.

The 1956 observance had a very tangible and useful result when the Tesla Museum of Belgrade published a mammoth volume, in English, entitled "Nikola Tesla: Lectures, Patents, Articles." Much of the volume reproduces in their original form various patents and other documents. In 1961 the Tesla Museum published a second significant work: "Tribute to Tesla," which contains reviews and evaluations of Tesla's achievements by noted scientists and specialists from all over the world.

In October 1956 the American Institute of Electrical Engineers held its own commemorative session in Tesla's honor. The Chicago section of that organization held a similar session, on October 1, 1956, which was designated by Mayor Richard Daley as Nikola Tesla Day. Similar tribute was paid to Tesla on his centenary by the city of Philadelphia. President Tito of Yugoslavia was informed of these American festivities by the then United States Secretary of State John Foster Dulles. In his reply of thanks, President Tito wrote: "I would especially like to stress my accordance with your statement that scientists of Tesla's genius are the symbol of the universality of science and human endeavor for progress in peace."

In 1976 there was another series of commemorative festivities in honor of Tesla, all the more impressive because the 120th anniversary of Tesla's birth coincided with the 200th anniversary of the birth of the United States—the Bicentennial. A joint Yugoslav-American committee of some twenty-five members was formed in 1975 to coordinate activities. Again there were several noteworthy results. In January 1975 Tesla was included in Washington's Hall of Fame. A year later a Nikola Tesla Prize was instituted by the IEEE, the leading society of electrical engineers in the United States. The first prize was awarded to Leon T. Rosenberg, to whom the Yugoslav Nikola Tesla Society also awarded a gold plaque. In July 1976 a tablet was unveiled at Shoreham, Long Island, on the site where Tesla's wireless tower used to stand. The tablet reads:

"In this building designed by Stanford White, architect, Nikola Tesla, born Smil-

jan, Yugoslavia 1856—died New York, U.S.A. 1943—constructed in 1901-1905 Wardencliff, huge radio station with antenna tower 187 feet high (destroyed 1917), which was to have served as his first world communication system.

"In memory of 120th anniversary of Tesla's birth and 200th anniversary of the U.S.A. Independence July 10, 1976."

Peggy McKinnon Clark of Shoreham deserves special thanks for her tireless efforts on behalf of this project.

On July 23, 1976, there took place the unveiling of the heroic-sized monument to Nikola Tesla, by the eminent Yugoslav sculptor Frano Krsinic, in Niagara Falls, on Goat Island, in the picturesque courtyard of the old Edward Dean Adams Hydro Electric Power Station Number One of the Niagara Falls Power Company. The event commemorated Tesla's successful use of alternating current to provide electric power at long distances from the source.

Meanwhile in Yugoslavia a whole series of cultural events marked Tesla's 120th anniversary. Chief among these was the Symposium held on July 7-10, 1976, in Zagreb and in Tesla's birthplace, the village of Smiljan, Lika. President Tito attended the festivities in Smiljan on July 10. The Symposium brought together some four hundred participants, including noted scientists from the whole world. In honor of the event, the Niagara-Mohawk Power Corporation of Syracuse, N.Y. presented the Tesla Museum in Belgrade with some artifacts from the Edward Dean Adams Generating Station at Niagara Falls. The certificate of presentation reads: "This corporation takes pride in the fact that its predecessor, the Niagara Falls Power Company, pioneered the use of the polyphase alternating current system invented by Dr. Tesla. That principle, proved in operation at the Adams Station in 1895, made modern electric power systems possible."

Several important publications resulted from these meetings. A bilingual volume of Tesla's writings—*Moji pronalasci: My Inventions*—was published in Zagreb in 1977 by the Yugoslav Academy of Arts and Sciences, the Nikola Tesla Museum in Belgrade, and the Skolska Knjiga Publishing House of Zagreb. More recently, in 1977, the Nikola Tesla Museum had the Belgrade publishing house NOLIT put out a luxurious edition, all in English, called *Nikola Tesla: Colorado Springs Notes 1899-1900*. This is Tesla's research diary which he kept during his daring experiment of transmitting high frequency electrical energy without wires on a global scale.

There are today many books and articles concerning Tesla, in English and in other languages, including several biographies. Though there is much yet that can be written about Tesla and his work, no one can plead ignorance of Tesla on the grounds that there is no information about him. There is, indeed.

It is precisely because the known Tesla has been so honored and recognized in the world of science, and because there is material available about him today that the general ignorance on the part of most Americans that he ever existed is so astonishing and bewildering.

And how are Americans ever to learn about Tesla in their schools and textbooks and libraries do not teach them? For example, the excellent *World Book Encyclopedia*, which is used extensively in our public schools, contains four inches on Tesla, and only up to 1900, with nothing in the last

thirty-four years of his life. The justly noted *Encyclopedia Britannica* publishes an annual Yearbook as well as a special Yearbook of Science and the Future. These are big, thick volumes that are supposed to incorporate all that occurred of any importance in the scientific world. Yet one looks in vain at them for any mention of Tesla or the Tesla Prize in the volumes for the 1970's.

And so we have this strange paradox. On the one hand Tesla is unknown to millions of Americans today though they know the name of Edison, Tesla's first American employer and later competitor. On the other hand, Tesla is the object of veneration by cultists who see in him a kind of Superman, even from another planet. But between this unknown Tesla of the uninformed and the unknowable Tesla of the cultists there is the known Tesla, whose works are daily manifested in our lives. Even as we sit here, in Niagara Falls, next to the electric station which his motors powered, we are literally basking in Tesla's light. When, in 1917, Tesla was awarded the Edison Medal of the American Institute of Electrical Engineers, his close associate B.A. Behrend paraphrased Alexander Pope's famous line on Sir Isaac Newton, when he said:

"Nature and Nature's laws lay hid in the night; God said, Let Tesla be! and all was light."

It is to make him the known Tesla that we are here today to honor this extraordinary man, this truly immortal scientist.

OPPOSE TAX DIVERSION— SUPPORT INFRASTRUCTURE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ANDERSON. Mr. Speaker, last week I, along with some of my colleagues from the leadership of the Committee on Public Works and Transportation, sent an urgent Dear Colleague to all Members of the House regarding the recent action of the Ways and Means Committee to suspend the aviation trigger tax and divert almost \$1 billion in aviation user taxes from the aviation trust fund to the general fund.

In that communique, I emphasized our strong opposition to this action, especially the diversion of funds. In support of that position, I would like to include for the record a recent letter from the Aircraft Owners & Pilots Association. That letter accurately capsulizes the critical aspects of the issue. On behalf of our committee, I would like to commend President Baker and AOPA for its initiative and foresight in addressing this matter.

In addition, I might add that it is my intent to explore through the Rules Committee a means of deleting the diversion portion of the Ways and Means proposal.

AIRCRAFT OWNERS & PILOTS
ASSOCIATION,
Frederick, MD.

HON. GLENN M. ANDERSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ANDERSON: At a time when our air transportation system is in critical need of improvements and concern

continues to increase regarding airport congestion, the Office of Management and Budget is pressuring the Ways and Means Committee to repeal the Aviation Trust Fund Trigger. Worse yet, the Administration is offering nothing in return for this \$1 billion raid on the Aviation Trust Fund—intended solely to help offset the budget deficit.

The so-called "trigger" was enacted by Congress in 1987 to force the Administration to spend the billions of unobligated Trust Fund dollars on the critical needs of our air transportation system. The funding levels mandated by the trigger were not met for FY88 and 89, falling some \$400 million short. In the meantime, the unobligated surplus in the Aviation Trust Fund has grown to over \$6 billion. The trigger provides that if the user tax dollars paid into the Trust Fund by airline passengers and general aviation pilots are not spent for capital improvements and modernization as intended, then aviation user taxes are to be cut in half.

Those are the rules set by Congress in 1987, and it's time to play by the rules. Because mandated funding levels were not met, the trigger is to be pulled on January 1, 1990 and the user taxes will be reduced—unless OMB has its way, that is.

And OMB isn't stopping with repeal of the Trust Fund trigger. OMB is also proposing some creative accounting practices which will permit substantially more of the tax dollars in the Aviation Trust Fund to be used to pay for the routine operational expenses of the FAA. AOPA's 290,000 members pay significant fuel taxes into the Trust Fund every time they fly. They also purchase more than 4 million airline tickets annually and pay the 8% ticket tax. Our members are understandably outraged.

Congress created the Trust Fund to pay for the capital development needs of the system, not the FAA's paper clips and rubber bands. On behalf of our 290,000 members, we encourage you to contact members of the Ways and Means Committee. Urge them to reject OMB's proposal to repeal the trigger and to raid the Trust Fund for routine operating expenses. Protect the integrity of the Aviation Trust Fund.

Sincerely,

JOHN L. BAKER,
President.

THE BLACK HOLE OF NASA SPENDING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. STARK. Mr. Speaker, today I would like to include in the RECORD an excellent editorial which appeared in the New York Times on Monday, July 17, 1989.

The article makes a couple of very good points about our space program. The space shuttle and the space station are interesting projects, but what are our goals in building them? Space probes have provided us with much more scientific yield than the space shuttle has. Yet NASA has not launched a space probe since 1978 and will not launch another until 1992. Manned space flight has proved to be inefficient—robots can do the same work for far less money.

Until we can decide on a coherent space program with concrete objectives, we shouldn't be spending tens of billions of dollars on the shuttle and the space station.

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

TO THE MOON—AND BACK

The United States caught the world's imagination when the Apollo project sent Neil Armstrong and Buzz Aldrin to tread the moon's ancient surface. But in the 20 years since, the hope of Apollo, that humankind would take more giant steps in exploration of the universe, has been miserably thwarted.

After Apollo, NASA's leaders turned their backs on the stars and planets. They delayed or canceled astronomy and space missions, gambling the agency's future on hardware like the space shuttle and space station. Their hope was that some President would find a use for these ruinously expensive devices. None has, and now NASA is left heading down a black hole.

After the Challenger disaster, President Reagan ordered commercial payloads off the shuttle, and the Air Force has now decided to use expendable rockets for all missions after 1991. Erecting the space station is the chief remaining use for the shuttle. But if Congress balks at the extraordinary cost, now \$24 billion, the shuttle will have little to do. NASA's 20-year investment in manned space since Apollo will have yielded a pitiful return.

Consider, by contrast, the Voyager 2 spacecraft. Launched by a Titan-Centaur rocket, it is now 12 years out from Earth on a tour that has taken it past the Great Red Spot of Jupiter, the breathtaking rings of Saturn and the strange moons of Uranus. Its rich harvest of data will continue into the next century. Voyager will reach Neptune on Aug. 24. Its telescopes have already detected a new moon orbiting the pale green planet.

This is the quick, cheap and smart way to explore the universe—put human intelligence into space and keep human bodies safely on Earth. The total cost of the two Voyager spacecraft has been a mere half-billion dollars; compare that with the more than \$30 billion spent just on the shuttle.

For NASA, Voyager represents the road not taken. After Apollo, it could have made a bold decision: to postpone the circus of manned space flight and, at half the cost, explore the planets with robots and automated spacecraft like Voyager. Had it done so, a stream of information would by now be pouring back from robots, perhaps as enduring as R2D2, roaming the plains of Mars and the terraces of Triton. Such machines could have kept NASA on another frontier—high technology.

Instead, NASA chose more manned space projects, big budgets and alliance with defense contractors and Congressional pork-seekers. That dim choice bound the agency to its fleet of space shuttles. The shuttle's unique purpose is to carry men to the space station. But almost all the missions proposed for the space station could be performed more effectively from unmanned platforms. The Russians seem to have discovered this expensive truth. Their space station, designed to be permanently manned, now flies empty.

Since the odds of losing another shuttle are about 1 in 100 for each mission, there is a substantial chance that another crew will perish for no clear purpose. Whether the shuttle program can survive a second crash is doubtful. Whether Congress will now pay

\$24 billion for a space station of contrived purpose is equally unclear.

Who can rescue NASA from its blunders? Probably only President Bush. No one else can face down the bureaucrats, the contractors and Congress and acknowledge that the space station makes no sense—and without it, the space shuttle has little role. No one, more than he, has the duty to rethink America's goals in space, restore NASA to the frontiers of exploration and technology. Only he can put it back on the trail it once blazed to the Sea of Tranquility.

END DISCRIMINATION AGAINST
THE MILITARY, SUPPORT H.R.
572, H.R. 2277, AND H.R. 2300

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. DORNAN of California. Mr. Speaker, I have placed into the RECORD a number of letters that have been written to me in support of my legislation to redress a number of inequities inherent in the Spouse Protection Act. (June 15, 27, 28, 1989, July 12.)

Mr. Speaker, I would like to share with my colleagues a few more of the many supportive letters that I have received. These letters are illustrative of the necessity to change the current law and make the Spouse Protection Act more equitable and fair to those men and women who proudly serve their country.

June 22, 1989.

Congressman ROBERT K. DORNAN,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN DORNAN: I have read about your efforts to add a measure of fairness to Rep. Pat Schroeder's Former Spouses Protection Act. I am an active duty Air Force major commissioned in 1975. Although, like much legislation, the overall purposes served by the Act are admirable, it has resulted in callous inequities. Let me tell you about my case.

I was married in Nov. 1974 and came on active duty on 3 Jan 75. Marital difficulties developed between my ex-wife and me in 1983 while stationed in Washington DC. I did everything possible to try to salvage the relationship including not filing for divorce. Although we lived in the same house my wife slept in a separate bedroom and led a life of her own apart from our Air Force friends. I was reassigned to a base in Spain in July 1984. My wife chose not to join me. She and my son, then three years old, remained in Washington. Even while in Europe for the following two and one-half years I hoped for a reconciliation and attempted to work a separation agreement with no success. When I returned for a Xmas visit to the home in VA in 1984 she surprised me by having the sheriff serve divorce papers on Xmas eve. I am not and was not a Virginia domiciliary. It was a traumatic experience. Our lawyers fought for the next few years over our small assets. She wanted \$15,000 and my financing of a further college education plus \$500/month child support in exchange for giving up a claim on my retirement pay. In the meantime, she had been seeing other men. She eventually moved in with a well-paid congressional employee. We were finally divorced in 1987 after I returned to the US;

the basis of the divorce was her adultery! Within two months of the divorce she married the congressional employee and bore a child shortly thereafter.

She now will be entitled to 15% of my active duty retirement pay for the rest of my life and \$450/month child support until 1999. I had always counted on my retirement pay to pay house payments with when I retire in 1995. Now I'll owe her the monthly 15% plus the child support which will amount to a good one-third of my retirement pay. She bought her new husband, whose salary is better than mine, a gold Rolex watch as a wedding gift, recently bought a new \$200,000 house in Springfield and a new car. Her new husband has a lucrative retirement plan.

As you can see, she left me and is by no means out on the street. I held on to the marriage too long and thus under the Act was penalized. She, the adulterous, was rewarded with a lifelong cut of my retirement pay. Is this what Pat Schroeder calls fairness? Something needs to be done. Former spouses who left the service member of their own volition (particularly in adultery cases) should not be rewarded. Ex-military spouses who remarry and are taken care of by a new spouse should not be entitled to benefits. The greatest inequity: the retroactive application of the Act, must be eliminated. Finally, servicemen like me, who try to save their marriages should not have to "pay" from their retirement pay for doing so!

I appreciate your efforts to change this unfair law. I also want to thank you, albeit belatedly, for all your efforts on behalf of POWs.

Very Truly Yours,

RICHARD A. MORGAN.

June 15, 1989.

Hon. BOB DORNAN,
U.S. House of Representatives, Washington,
DC.

DEAR REPRESENTATIVE DORNAN: Please accept my sincerest "thank you" for having introduced H.R. 572.

I am among many that are suffering because of the disbursement of my retirement pay to an ex-spouse who remarried. In addition, after settling with her according to the "Ex-spousal Protection Act", the State courts ruled that she was entitled to December 1969 (date of legal separation) and I was presented with a judgment against me in the amount of \$43,000 plus interest (almost 20 years worth), plus all court costs.

My only outlet to the above was to file bankruptcy, ruining my credit for the next 10 years, and as of this date the outcome is still in question.

As a matter of information, I am writing every Congressman and Senator asking for their support of your bill. Thus far I have mailed letters to the entire delegation of Louisiana, Texas, Mississippi, North Carolina, California, Alabama and have started with Ohio. Hopefully, this will help gain support.

Again, sincere thanks for being on our side and trying to help us out of a trying situation.

Sincerely,

ALBERT C. WILLIS,
Major, USAF (Retired).

June 8, 1989.

DEAR REPRESENTATIVE DORNAN, I recently wrote a letter to Senator Fowler to voice my concern about an Act that I consider to be very unjust, Public Law 97-252, The Uniformed Services Former Spouse's Protection Act.

I was told that you have introduced HR 572. I applaud your initiative to amend Title 10, U.S.C., to provide that a court-ordered allocation of military retired pay to a former spouse of a member of the uniformed services based upon treatment of such retired pay as property of both the member and the former spouse shall terminate upon remarriage of the former spouse.

However, other inequities in the Act will still remain uncorrected. Some of the questions that still remain to be answered are:

Why are courts being allowed to re-open divorce cases to apply the Act retroactively?

Why are courts being allowed to divide something which was not an entitlement at the time of divorce?

Why are courts being allowed to divide military retired pay with former spouses who were never awarded alimony/maintenance by the original divorce decree?

Why are courts being allowed to award a monetary benefit which continues for the life of the military retiree, even after the death of the former spouse?

The rapacious manner in which this Act is being exploited retroactively in many courts across the country is alarming.

Please initiate legislation to repeal the retroactive application of this Act.

Sincerely,

BARRY J. DOICK.

The media readily publicize events and maneuvering on Capitol Hill as certain members of the Congress publicly advocate cuts in Defense spending. Frequently, however, little or no publicity is accorded to the sponsorship or support, by members of the Congress, of pork barrel amendments to Defense appropriations which bloat the Defense budget but contribute little or nothing to Defense capabilities or combat readiness. Worse than that, some of these will even adversely affect military readiness and capabilities in the long run. Moreover, they will escalate the costs of national defense to the American taxpayer.

A prime example is the quasi-social program established by the Uniformed Services Former Spouse Protection Act (Public Law 97-252) which was passed in 1982 by attaching it to a Defense appropriation bill which was not likely to be vetoed. The Act politicizes military divorce by creating a loophole in the Federal Supremacy Clause permitting state courts to divide military retired pay as if it were community property. Only ten years of marriage while in military service is required to qualify and spousal eligibility extends for the balance of the military member's life thereafter. This division of retired military pay is in addition to alimony, child support, and the distribution of tangible assets of the marriage. Unlike the normal treatment of alimony, however, the award of retirement pay, once made, is effective until the death of the military member, or the spouse, irrespective of a possible remarriage by either.

The Act, which applies to both male and female military personnel, is a cruel hoax played on a large body of competent, dedicated, but divorced professionals. It reneges on military personnel contracts signed at the outset of military service. These contracts make no mention that a future divorce will penalize a career military member by permitting state courts to indenture him or her for life.

The passage of the Act, in the first place, was a knee-jerk reaction, by the Congress, to the equal rights lobbyists who capitalized on the trauma of divorce to swell their

ranks during the heyday of the Equal Rights Amendment. The military professional was a natural target for the Act's principal sponsor, Patricia Schroeder (D-Colorado), whose voting record is markedly anti-Defense oriented.

Mrs. Schroeder and the other framers of the Act flagrantly ignored the existing Federal law and Supreme Court decisions already controlling the lives of military retirees receiving retainer pay.

First, they ignored the fact that 'retired pay' is not a pension, per se, but is reduced pay (or a retainer) for reduced, but obligated, military service. Every able-bodied military retiree remains subject to involuntary recall to active duty in the event of a national emergency.

Second, military retirees remain subject to the Uniform Code of Military Justice for so long as they receive retired pay. Military retirees are subject to recall and court martial if circumstances warrant. Moreover, they are subject to conflict-of-interest laws which place restrictions on their marketing of their service-developed skills within the United States military/industrial community and in dealings with foreign governments.

Third, the lawmakers ignored the fact that Federal law, before the Act and now, protects the welfare of ex-spouses by providing that alimony and child support payments can be withheld from both active duty and/or retainer pay so long as mandated by a legitimate court order.

The really insidious aspect of the Act, however, is that it undermines other well-intentioned Congressional legislation aimed at enabling the recruitment and retention of competent, career-minded personnel in the Armed Forces, thus holding down the high costs of personnel turnover. (As an example, it is estimated that every Navy pilot who leaves the service for other employment represents a government training investment of not less than one million dollars.)

The bitter irony of the Act is the fact that it punishes a large cadre of military's most dedicated professionals, who are the sinew of the increasingly technological Armed Forces: just because they have had the misfortune of being divorced. Marriage may be made in heaven but not all of them end there. Military professionals approaching ten years of service are virtually irreplaceable. There is no outside manpower pool where the services can hire such military experience. These professionals are forced to choose between another career outside the military or to remain in the service until normal retirement only to face a possible life of bondage to an ex-spouse.

One wonders why the Congress has singled out the divorced professional for such harsh, unfair treatment. Is the divorced, experienced member any less valuable to the military operation than the experienced non-divorced member? Has the divorced member experienced any less arduous tours of duty or fewer family separations? Has the divorced member been any less competent, less dedicated, less patriotic or less exposed to hostile fire? Has the military spouse had the same exposure?

Given that about 50% of the Defense budget goes to manpower, it is difficult to comprehend the anguished cries of certain members of Congress over the nation's budget deficits while, at the same time, they unhesitatingly increase the military tax burden by countenancing the Uniformed Services Former Spouse Protection Act. Over the next decade the Act will cost the

taxpayers extra billions for defense because of the high turnover rate of divorced professionals and the attendant loss of fighting proficiency. It should be kept in mind, however, that the military's loss should not be just measured in dollars—for there are additional unquantifiable costs in the loss of morale and the esprit de corps which are so vital in developing that innate sense of pride in oneself, service and country.

Clearly, the Act represents a biased, unprincipled breach of faith with some of the military's most valuable personnel. Equally reprehensible is that the costs of Defense paid by the American taxpayer will continue to escalate until responsible members of the Congress exercise the leadership required to repeal this unjustifiable law.

ADM. M.D. CARMODY,

U.S. Navy Ret.

FRANK AULT,

Arlington, VA, Chapter Leader.

THE VISION, THE DREAM, THE TASK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. CLAY. Mr. Speaker, Mrs. Margaret Bush Wilson, former Chair of the NAACP, recently gave a very insightful and inspiring speech before the Civic Luncheon of the 32d Area Conference Mid-West Region of the LINKS, Inc., in St. Louis. I am pleased to take this opportunity to share Mrs. Wilson's eloquent remarks about the challenge confronting the black community:

THE VISION, THE DREAM, THE TASK

The theme of this 32nd Central Area Conference is "Share the Vision." It is a theme directly related to the national theme of LINKS, INC., "Enhance The Legacy: Fulfill the Dream".

Before I address this conference theme, however, I want to spend a few moments on a critical subject for all of us.

Dorothy Gilliam, distinguished writer for the Washington Post, made the following comment in one of her perceptive columns: "History is absolutely essential to creating a positive sense of self, and in the Eurocentric world in which American blacks exist, the restoration of Africa to its rightful place in this history is of utmost importance".

What made me recall Gilliam's words was a recent disconcerting anecdote about a group of African-American children in an inner city classroom during one of their lessons. It seems their teacher had occasion to mention the continent of Africa, and just by way of fleshing out relationships, she said to the students, "how many of you are of African ancestry?" These children were all African-Americans. Not a single hand went up. It is reported that the teacher was stunned and dumbfounded.

We have, it seems, a disturbing phenomenon to confront—namely a generation of our children and young adults who do not know who they are. We have offspring who do not know about our ancient heritage. They have no knowledge of their roots in the continent of Africa, nor that among our ancient ancestors we number those who were the first to practice agriculture, to irrigate the valley of the Nile, build dams, invent science, arts, writing and the calen-

dar. In short, our ancestry includes those who created the first civilization.

To have a generation ignorant of these roots and this heritage is cause for alarm. In some ways, this is more disturbing than all the statistics on teen pregnancy, drug addiction and crime. The first step toward solid personal achievement is to have a positive sense of self, and a clear vision that one stands on the shoulders of those who came before. The words of McCauley are prophetic: "A people who takes no pride in the achievements of remote ancestors, will never achieve anything to be remembered by remote posterity".

Without dwelling on the forces and events which led to this phenomenon among this generation of the young, I say individually and collectively each of us must mount the bastions and do something about it. If our schools are not responsive, then let's turn to our churches and our institutions, not to mention our own breakfast tables and dinner tables where we can talk about this heritage, and to our own bookshelves where the books should be available and the pages worn with use.

My purpose in dwelling on this matter of heritage and roots first is directly related to this Area Conference theme of "Share the Vision".

What is this vision—how is it defined and by whom?

Some years ago, it was Ralph Ellison who said, "... some Blacks have taken too narrow a view of their role and significance in American Society."

It is my own vision of that role which is the foundation and bulwark for my faith in the future of these United States. For I firmly believe that Americans of African descent, individually and collectively, are our nation's conscience and its hope for the redemption of the Promise of America.

This is not wishful thinking. We Americans of African ancestry have been at the vortex of every major thrust forward in the history of this country as a nation. The American Revolution, the War between the States, and the somewhat Peaceful Revolution of the Sixties which transformed the South.

And now the question looms "What is required in the final 11 years of the 20th Century for the survival and progress of these United States in general and African-Americans in particular?"

Let me suggest that the broad-based issues are economic, political, cultural and spiritual, but it is the urban crisis that is physically and mentally destroying black people.

If we are serious about making the daily lives of the average black person better, then we must begin to understand and direct the interrelated urban forces of school, work, housing, health and the justice system. In other words, our attention, our resources and our keenest intellect must turn relentlessly to the business of *economic justice*.

Social change is going on all around us, and the need for intelligent adaptation on our part to this accelerating and convulsive process is urgent.

But, before setting policy—which can lead to plans, there is a prior process of seminal conception. This is what we ought to consider very seriously during this area conference.

What fundamental changes do we contemplate as necessary in the structure of the organizations we serve and the institutions which affect our lives?

What core values do we consider essential and inviolate?

The ultimate direction in which this nation of ours moves may well depend on socially responsible and effective leadership in these organizations and institutions, including the LINKS.

Our present challenge is to build an economic, social and cultural environment to serve the present age. Many people in our country are deeply dissatisfied with the present state of affairs.

In the recent June 7th issue of the Wall Street Journal there was a report from the U.S. Census Bureau and the Conference Board indicating that more than 70% of American households have no discretionary income—that is no money left after paying taxes and paying for the necessities of life. This represents some 87 million households. A mere 26 million have these funds.

The pain of millions unemployed is intense; some have exhausted unemployment benefits; others have lost job-related insurance coverage; and too many are on the threshold of being destitute or are already homeless. These are our nation's critical problems, and they are not problems of one class or one race.

Words like liberty, freedom, equity, parity, justice and the advancement of civilized people are not likely to mean much beyond rhetoric unless those words are linked in specific ways to such issues as:

The criteria used to allocate resources and the actual allocation of resources.

The trade-offs between today's demands and tomorrow's safeguards.

The purposes to which advances in technology are applied.

Population growth and spread.

We must be more conscious of our innate potential, and our ability to organize must no longer be confined to our social life.

For example, the national organization of LINKS should come to grips with the fact that the needs and problems of African-Americans require massive intervention to achieve significant impact.

If each chapter of LINKS gives a single scholarship a year this hardly puts a dent in the massive need for scholarships among our young people.

On the other hand—not far from here in Evanston, Illinois, there is a complete program and mechanism in place called the National Achievement Scholarship Program which screens and processes hundreds of young African American high schoolers who are academically eligible for college. Yearly, our national organization of LINKS funds six of these scholars—each with a \$2,000.00 stipend. Only about 700 actually win as Achievement Scholars, but what of the hundreds who are not chosen.

This organization of talented LINKS women could forge a closer bond with the National Achievement Scholarship Program and through our various chapters and with imagination, ingenuity, contacts and clout, we could, each year make a commitment to assure that everyone of those eligible achievement scholar contestants enters college.

In a short span of time, the impact could be outstanding.

Or take another example: It is estimated that 37 million persons in our country under 65 have no health insurance and another 17 million do not have adequate coverage. That's 54 million and a disproportionate number of these persons are African-Americans. An overwhelming problem you say,

but forces may be at work to make a strategic role for the LINKS possible.

First, health care costs are on the rise,

Second, for the first time big business, the Chrysler Corp., for one, is frustrated with these rising costs since many corporations pay 25% to 35% of employee health care costs,

Third, Members of Congress, including our distinguished William Clay of the 1st Congressional District here in Missouri have introduced H.B. 1845, The Basic Health Benefits for All Americans Act of 1989 to address the problem.

Clearly, if adequate health care was assured for each U.S. citizen, this would be a major breakthrough in achieving parity, in making health care more effective. It would also be a wise allocation of our resources and a significant step in fulfilling a part of the vision for a better America.

The momentum is already there. The need is for concerted action. LINKS and CONNECTING LINKS could be the catalysts for reaching out, linking up and effectively mobilizing the broad-based support which could make adequate health care in this nation a reality for us all. What we have done for the elderly through Medicare could be extended to all our citizens. The impact for good would be massive and this is a proper allocation of resources for a caring nation as well as sound social and health policy.

Then, as a last example, there is THE EBONY ALERT. One of the constant complaints about our people is apathy. Yet, explain the appeal of a Martin Luther King or Jesse Jackson, both whom mobilized the masses. Without regard to background, most people in this country are yearning for a better America.

This is not the time for more conferences, speeches and summits. This is the time to inform and mobilize for action and to overcome the division and discord among us that have undermined and thwarted or struggled for well over three centuries.

THE EBONY ALERT is an action idea for unity. It is grounded on a Statement of Principles and Purpose, which recognizes that our effective survival and triumph depends on our ability to make rational, studied and unemotional judgments on where our basic interests lie on important issues that affect our lives. And that the imperative is for a broadly based, well informed body of concerned citizens committed to act together.

Every person who becomes a part of THE EBONY ALERT signs a solemn commitment which is worthy of reciting here:

"I agree to be an active part of the THE EBONY ALERT and solemnly commit myself to the following:

1. That I am now and will stay a registered voter.

2. That I will always know my political profile.

3. That I will seek to be informed about issues which affect the vital interests and well being of the black community as a whole.

4. That I will support unity, not fragmentation, in the black community.

5. That I shall respond promptly to an "alert" for action when I am contacted by the THE EBONY ALERT.

6. That I will pay at least \$5.00 a year to the THE EBONY ALERT to cover postage and mailings . . ."

The third and essential part of THE EBONY ALERT is the Resource Panel of informed, capable and independently

minded advisors who would serve as a research, policy analysis and resource arm to THE EBONY ALERT. They would be drawn from all relevant disciplines, such as economics, health, education, political science, natural science, the justice system and business. It is this group that analyzes and reaches a conclusion as to what is in the best interest of our community—and then the "action alert" goes out to the cadre of the concerned.

This is not pie in the sky. It is a framework for action by a people who are suffering needlessly and at great cost from senseless fragmentation, disorganization and lack of discipline, at a time when we can least afford it.

There is cause for deep concern when leaders of this nation glibly talk about a permanent underclass. It becomes a crisis situation and cause for a five alarm alert when that underclass is viewed as being substantially African-American.

One hundred years ago, we African-Americans faced formidable odds. *Plessy vs. Ferguson*, that infamous U.S. Supreme Court decision which made racial segregation and "separate but equal" a matter of social and public policy, was just seven years away. Some astronomical number of us were really poor and most of us were illiterate. It took fifty-eight years from 1896 to 1954—to throw off the legal shackles of the *Plessy* decision. Some of us still carry the scars and stigma of distrust, disunity and division which were deliberately spawned among us during those dreary years and before.

How else can we explain the wife of a successful African-American service station owner who takes her car to the white service station around the corner for her gasoline and service?

How else can we explain a people with a 200 billion dollar gross national product, but without a single African-American owned financial institution in the country with assets over 1 billion?

How else can we explain this conference in this hotel where there is not a single written reference in the printed program which tells us who we are. Look carefully, the only clue that this conference is of, by and for women of African descent is the art work on the program cover and the pictures of our sisters in the ads.

And yet, every one of us is committed, intellectually and practically, to the basic aim of achieving long run permanent reductions in black poverty and the restoration of the respect and appreciation for the heritage and the contributions of Africa and Americans of African descent.

It's just that commitment alone is not enough.

Today 70 percent of us are not illiterate and we are not poor. Concentrated in these United States is probably the greatest pool of competence among persons of African descent in the entire world. Quite frankly if we black Americans now lose our way and fall into eclipse, it will be our fault.

The fundamental change in our strategy must be to move from the modest to the massive in our action programs.

Let's take literally the unpublished poem attributed to Langston Hughes: "There's a dream in this land with its back against the wall. To save the dream for some, it must be saved for all."

The task is to focus our public policy debate around the fundamental goal of achieving long run permanent reductions in the 30% poverty level of African Americans—this debate is not about bussing, but

about what is not happening in the classrooms in our public schools.

Let's not be victimized by the Rhetoric or Rejection-reverse discrimination, welfare, affirmative action—these all have negative connotation today as the result of a very calculated campaign to make them terms of distaste, if not contempt.

We can stop this by coining our own positive phrases. From now on, let's talk "employment equity" rather than affirmative action; let's be concerned about "well-being" in place of welfare, and "reasonable redress" instead of reverse discrimination. Then we, not others, define the terms and the rhetoric of our agenda.

Finally, over and over we must remind ourselves of the vision and the dream—the vision of a humane society and the dream of a country and culture of real freedom with unrestricted respect for each other and a profound understanding that in our diversity lies our greatest strength.

In this light, the words of an unknown writer are compelling:

"A vision without a task is a dream—
A task without a vision is drudgery—
But, a vision and a task together can be the hope of the world."

CONGRESSIONAL TRIBUTE TO SGT. CONRAD N. NUTZMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a great citizen in my district, Sgt. Conrad N. Nutzman. Sergeant Nutzman is retiring today from the Long Beach Police Department after almost 26 years of dedicated service.

Conrad is a native Californian, born on October 6, 1935, in Los Angeles. He attended elementary school in Los Angeles and graduated from Compton High School in Compton, CA, in February 1954. Upon graduation, he entered the U.S. Marine Corps, and was honorably discharged in 1958. During his 4-year tour of duty, Conrad rose to the rank of sergeant. Shortly before leaving the Marine Corps, Sergeant Nutzman married Catherine J. Grasham.

In 1962, Conrad moved his family to Long Beach. He joined the Long Beach Police Force on August 5, 1963, at the urging of another career officer, Ed Mac Lyman. His career with Long Beach was not all smooth sailing, for on April 18, 1969, while pursuing a traffic violator as a motorcycle officer, a collision occurred which would mark the end of this assignment. It took him 9 months to recover from his injuries and 19 years later, Sergeant Nutzman would be awarded one of the department's first Purple Hearts.

In order to further his education and professional aspirations, Conrad attended Long Beach City College, which in 1974 granted him an associate arts degree in police science. Then, on August 8, 1978, he was promoted to the rank of sergeant, and assigned to the jail division as administrative sergeant. In 1982, he was assigned the responsibilities of court liaison sergeant in the court affairs office until September 1985, when he was

then moved to the Community Relations Division. He held this assignment up until today, capping a career of 25 years, 11 months, and 12 days.

Conrad begins his retirement tomorrow, and much of it will be spent developing his "Six Lil' Acre Ranch" in Anza Valley, CA, with Cathy, and with his children, and grandchildren.

My wife, Lee, joins me in extending our congratulations to Sgt. Conrad N. Nutzman. He is a remarkable individual who has contributed greatly to law enforcement in the Long Beach area. On behalf of the entire community, we wish Conrad and his wife Cathy, his three children, Lisa Marie, Constance Lynn, and Christine Ann, and his six grandchildren, Katerina, Kristen, Shaun, Kenneth, Dustin, and Carolyn, all the best in the years to come.

RELEASE NELSON MANDELA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. STARK. Mr. Speaker, today, July 18, is Nelson Mandela's 71st birthday. He, of course, will be spending this day away from his wife and family, and separated from millions of his fellow countrymen.

Nelson Mandela's incarceration by the South African Government is both tragic and criminal. This case symbolizes the need for the United States and other allied industrial nations to continue to apply strong political and economic pressures on the Botha government. Although South Africa is no longer front-page news and the lead on the network news, we ought not refrain from continued pressure on the South African Government.

Until the South African Government realizes the harmful consequences of this intolerable treatment of Nelson Mandela, the Botha government will continue to be the focus of worldwide shame and disdain. And any United States company who rationalizes its business ties with the South African Government as "business as usual," shares the blame for this inexcusable treatment of this national hero.

I appeal to the collective conscience of the South African Government's leadership to release Nelson Mandela.

SENATOR FOWLER'S RURAL EDUCATION PROGRAM

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. RAY. Mr. Speaker, I rise today to praise the work of Senator WYCHE FOWLER in his effort to establish star schools throughout our Nation's rural areas. Senator FOWLER has successfully had this program inserted into Senate Bill 1036, the Rural Partnerships Act of 1989. It provides the funding necessary to purchase telecommunications equipment to connect students with instructors through television, telephones, and computers. This will allow students to take courses not offered in

their local schools in an effort to better prepare themselves for college and the working world. This will not replace local teachers, but rather enhance their teaching curriculum. Mr. Speaker, along these lines I would like to submit, for the benefit of my colleagues, a copy of an editorial which recently appeared in the *Americus Times Recorder*.

This measure is yet another example of Senator FOWLER's deep commitment to rural Georgia and rural America. Through his Senate seats on the Agricultural Committee and the Agriculture Subcommittee of the Appropriations Committee, Senator FOWLER has shown time and time again that he will do all he can to better the life in our rural communities. He realizes that the way to shore-up the Nation's rural population is to offer opportunities and incentives to those remaining in their local communities. We must make these rural areas attractive to our increasingly educated and mobile young people. Senator FOWLER realizes that they are the future of rural America and is doing all he can to make that future strong.

[From the *Americus Times Recorder*, May 20, 1987]

FOWLER KEPT HIS PROMISE

When the U.S. Rep. Wyche Fowler announced that he would not seek re-election to the House, but instead would run for the Senate, there were many objections raised from the citizenry. Particularly from rural sections of the state, including our own Southwest Georgia counties.

"He's never been out of the Atlanta area," was the principal criticism. "What does he know about problems of agriculture and other ones facing us?" people would ask.

And always, there was the claim that he was only running for the Senate because the Atlanta area district he had long represented was realigned and because of the heavy concentration of black population that resulted, he was a sure loser.

This perhaps was true, but it also served to prove that Wyche Fowler is an intrepid politician—and perhaps even on his way to becoming a statesman.

Fowler jumped headlong into the campaign which included a number of impressive runners, including, of course, the Republican incumbent Mack Mattingly.

And rather than spending a great deal of his time on the campaign trail in the metropolitan areas of the state, he gave a real priority to the rural sectors. And the right combination and strategy proved correct as Fowler won the seat beside fellow Georgian, Senator Sam Nunn.

And he still hasn't forgotten about Southwest Georgia and other rural areas, and the people, since having taken office either.

Now, he has proved it again through legislation he has introduced which would provide some \$70 million over the next five years for satellite and telecommunications technology to increase educational opportunities in rural areas.

The Democrat, who somehow skillfully and with the assistance of influential colleagues has been named to the powerful Senate Agriculture Committee in his freshman term, managed to get his measure made a part of a \$300 million rural development initiative which was prepared by his committee to aid the growing economic problem in rural sections of the nation.

In announcing the plan, Senator Fowler said that "One of the key components of any meaningful rural legislation has got to

be education, bringing the finest teaching techniques and methodology to our nation's schools."

Foremost in the proposal is a \$100 million rural investment fund that would be used to create revolving loan funds at the local, regional or state level to provide capital for the development of small businesses in rural sectors.

In addition, the bill would hike Farmers Home Administration grants for poorer communities, make loans for water and sewer improvements easier for rural communities and set up telecommunications systems for rural hospitals and businesses, and other emergency problems.

Fowler also said that "There are thousands of promising students in rural areas throughout this nation who have exhausted some of the higher level course work available in their schools. This act will provide the teachers and the advanced course work these students want and need to prepare for college and beyond."

We obviously cannot yet foresee the great bearing this legislation could have on our own communities and people. But it could be monumental.

The *Times-Recorder* appreciates this specific legislation, and especially Mr. Fowler's steady efforts at representing the rural people of Georgia.

He kept his promise.

CLEAN FUELS AND ENVIRONMENTAL PROTECTION ACT OF 1989

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. BRUCE. Mr. Speaker, after seeing the outline for the acid rain portion of the President's clean air bill, I didn't know whether to be pleased or panicked. The President's proposal was ambitious and environmentally sound. But it would also have the effect—however unintended—of throwing tens of thousands of hard-working Americans into the streets and unfairly burdening many utility ratepayers with cleanup costs that far exceed their contribution to the problem.

As one of the 11 House Members serving on both subcommittees with jurisdiction over acid rain legislation, I knew that concern alone would not get these needs considered. A bill had to be proposed. On Monday, I introduced legislation that followed the general guidelines set forward by President Bush last month, while adding provisions to make the economic impact acceptable to all regions of the country.

During the campaign last fall, President Bush talked about protecting the environment. With his proposal last month, he went a long way toward meeting that promise to the American people. On the subjects of acid rain and ozone nonattainment, he has gone much farther than I would have expected and I applaud his leadership. After years of inaction from the administration, the President's initiative was indeed a breath of fresh air.

On other fronts, however, the administration proposal does not meet its mandate.

There is nothing kind or gentle about the impact the President's acid rain proposal would have on the Nation's mine workers. While the outcome may not be what the President expected, there is no doubt that tens of thousands of mine workers would be jobless shortly after enactment of the President's proposal.

The President has said he stands for fairness, yet his proposal falls short on fairness to Midwest utility ratepayers. The precursors of acid rain—sulfur dioxide and nitrogen oxide—must be reduced, but paying for the reductions should not be done in the disproportionate manner of the administration proposals.

As Energy and Power Subcommittee Chairman PHIL SHARP has pointed out, nine Midwestern States contribute 51 percent of the Nation's sulfur dioxide emissions, but the Bush proposal would tell our ratepayers to pick up 67 percent of the cleanup tab. On cleanup for nitrogen oxides, the bill is even more wrong: 10 States, with 31 percent of the NO_x emissions, would pay for 69 percent of the reductions. Other current proposals are worse.

To these States, that's like eating a hamburger but paying for someone else's prime rib. We don't mind paying to clean up our share of the acid rain problem, because we recognize the importance of preserving our environment. But we will only pay our share.

Industrial sources contribute heavily to acid rain, but cleaning up utilities is far more cost effective than going after smaller industrial sources.

I agree with the President that there is no reason to pay \$1,200 to \$2,000 per ton removed from industrial sources when we can remove that same ton of sulfur dioxide for \$300 to \$400 at utilities. The question is: who pays?

The bill I have introduced, H.R. 2909, includes in it a 90-percent capital cost subsidy that will erase much of the inequity for the States that use most of the Nation's high-sulfur coal. Those States will still have to pay for the expensive operations and maintenance costs, and will still be paying for slightly more than their share of the cleanup costs. All States will be able to benefit from the clean fuels emission reduction equity fund in the second phase for use in purchasing and installing clean coal technology, technologies to control NO_x, and for energy conservation programs.

Clean coal technology is another area where I don't think the President's beliefs match his proposal. In giving the 3-year extension for clean coal technologies in the second phase, the President was recognizing that many of these technologies will not be ready to be used in the next 10 years. In fact, I am not sure that the 3-year extension is enough time to allow many of these technologies to be usable but I have let it at 3 years in this legislation. What the domestic policy council did not recognize is the massive amount of first phase fuel switching that would take place with no subsidy for scrubbers.

The President gave the extension for clean coal, a move I have duplicated in my bill, but he virtually guaranteed that high-sulfur coal would be extinct as a fossil fuel alternative.

The subsidy for scrubbing should make it possible for our most abundant fossil fuel to remain an energy option into the next century. It also means that job losses for mine workers will be minimized.

In many ways, my bill builds on the work done by others, including President Bush. I have retained his freedom-of-choice approach. The subsidy I have included is an option for States, but the Governors could still decide to allow fuel switching, utility unit shut-downs, or any of several other measures that can be used to meet reduction targets.

On the issue of trading, I agree with the President's belief that we will achieve the greatest possible reductions at the lowest cost by allowing emission trading and this legislation makes emissions trading practical. I have also borrowed heavily in many areas from legislative language crafted by Congressman JIM COOPER for H.R. 144.

The broad parameters of the President's proposal are excellent with my legislation, I have fine-tuned an approach that is fair to all utility ratepayers, gives preference to maintaining present jobs, takes long-term advantage of the clean coal technologies we have spent hundreds of millions in developing, and does it with the lowest possible cost to the private sector.

I believe that this proposal is fair, it is in the best interests of this Nation, and can be passed and signed into law. As I begin to look for cosponsors, I hope to draw support from all regions of the country and both parties.

The quality of our air is a national concern and deserves a national solution. It also deserves a fair solution.

SUMMARY OF H.R. 2909 INTRODUCED BY CONGRESSMAN TERRY L. BRUCE

DEADLINES

Two-phased bill with the first phase taking effect 6 years after date of enactment and the second phase ending four years later. If this legislation is enacted in 1989, that would put the dates at 1995 and 1999, with a 3-year extension for clean coal technology.

REDUCTIONS

The bill calls for a 10 million ton national reduction in sulfur dioxide (SO₂), half in the first phase in keeping with the President's proposal. It also requires a 2 million ton cut in nitrogen oxide (NO_x) from a 1985 baseline.

ALLOCATION OF SO₂ REDUCTIONS

States with an actual annual average rate above 1.2 lb./mmBtu will reduce. The Administrator will make the determination using a 1980 baseline—1985 if emissions have gone up.

WHO MIGHT SCRUB

The bill sets up a process by which 13 states will be able to receive capital cost reimbursement if the governor of that state certifies (or requires) that an appropriate number of plant units will scrub to meet the state's first phase reduction requirements. The subsidy will be limited to 90 percent of the costs of scrubber construction. O&M costs will still lie with a utility's ratepayers.

THE 13 STATES

Alabama, Ohio, Tennessee, Indiana, Georgia, Wisconsin, Illinois, Missouri, Maryland, West Virginia, Pennsylvania, Florida, and Kentucky.

CAN PLANTS FUEL SWITCH

Yes. The state compliance plan, to be filed by each governor, would specify how reductions will be met. The reductions can be met through scrubbing, clean coal projects, energy conservation, fossil fuel switching, coal switching, retirement, changes in utility dispatch designed to reduce emissions, precombustion cleaning of fuels, and emissions trading.

TRADING

Trading can be done (1) between utilities in a state, (2) between utility units in different states, (3) within utilities, (4) between utilities and industrial sources in a state.

THE FUND

Establishes the Clean Fuels Emission Reduction Equity Fund. First phase payments for scrubbing cover up to 90 percent of capital costs between a range of \$170 and \$270 per kilowatt of nameplate capacity for each scrubbed unit. All states are eligible for second phase payments of up to \$170 per ton of reduced SO₂ or NO_x to a maximum of 80 percent for clean coal capital costs or 70 percent of costs in the use of other technology. Payments benefit ratepayers.

THE FEE

Starts at 0.3 mill per kilowatt with the Administrator able to adjust up to 1.0 mill per kilowatt if the funding is needed. Different states can have different rates, based on emissions.

ENERGY CONSERVATION

Conservation is encouraged and payments from the Fund will be made on the basis of tons removed.

A CONSTITUTIONAL AMENDMENT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. BARTON of Texas. Mr. Speaker, I would like to submit into the CONGRESSIONAL RECORD a letter which appeared recently in the Midlothian Reporter, a newspaper in my congressional district. Entitled: "Flag Burning Decision Nothing But Treason," this letter reflects the feelings of many individuals in my district regarding the recent U.S. Supreme Court decision which ruled acts of desecration of the American flag as constitutional.

[From the Midlothian Reporter, June 29, 1989]

FLAG BURNING DECISION NOTHING BUT TREASON

The recent decision by the Supreme Court to sanction the burning, spitting upon, and mutilating of the American flag should outrage all free-loving Americans.

They used the lame excuse that it was free speech.

It was a symbolic gesture by a dirty-Communist, who by his action, denounced the United States and promoted the advancement of Communism in America.

I would suggest that these unholy judges start representing the American people instead of giving aid and comfort to the Communist scum who have bragged that they will bury us.

From the looks of the decision of the Supreme Court, the court is determined to supply the Reds with shovels.

Our Constitution clearly states that "Giving aid and comfort to our enemies is treason." If this decision is not comforting to the Communist, what is?

Look at their decision on prayer in school and public places. They promoted the idea that it was dangerous to allow prayer in schools. Yes, it was dangerous, but not to the American people, only to the Communist party who hates the mere mention of the word of God.

Who did the Supreme Court render this decision in favor of? Just another Communist beast whose name is not worthy to mention here.

When are we going to wake up?

The Communists have boasted repeatedly that if they can take the opium (meaning religion) away from the American people, they could control the people's minds. They sure are doing this.

Let us examine the right to free speech they boasted about. Did the Christian people have the right to free speech in regards to religion. The answer is No!

The Constitution clearly states, and I quote "Article 1, Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." When they outlawed prayer and religious pageants from schools and public places, they violated two laws:

1. They made a law regarding religion, being the judges of when and where you could pray.

2. They forbade Christians to freely exercise their right to follow their religious beliefs, whether in school, work, or in public places, etc.

Where is the Christian's rights to free speech these judges boast about!

Yet we are told it is okay for the enemies of America, under the disguise of free speech, to talk and teach and burn our flag and do everything treasonable to further the overthrow of our American government.

The very antidote against Communism is religion, and we let the enemies of America promote the idea to our kids that it is dangerous to have simple prayer in schools.

It's no wonder our kids are turning to dope. We robbed them of every decent moral value and left them empty inside.

Believe in nothing and stand for nothing and I will guarantee you will become empty and restless inside.

You will continue to seek out something to fill that empty void. Think about it!

The prayer decision and burning of our flag decision passed by the Supreme Court has given the Communist party a strong foothold in America to further demoralize the American people.

Next, our flag will be banned in schools. "Rally Around the Flag" should be our battle cry!

This flag is our symbol of freedom, pride, and independence.

How many Americans died around the world under this flag, in order that we as a nation might keep our nation strong and free.

And yet the Supreme Court treats it as a worthless rag. It makes me so mad I cannot see straight.

Don't you think it is strange that this decision was handed down just as we are getting ready to celebrate our Independence Day, July 4?

Is this just a cunning way for the Communist party to take a slap at all the American patriots who died under the flag?

I would suggest you do some hard thinking about our flag, and what it stands for. Let me remind you that anytime a nation allows an enemy to haul down your flag and mutilate and burn it, it amounts to surrender.

When the Supreme Court blessed the tearing down of Old Glory by an avowed enemy of America, it amounted to outright surrender of America to the Soviet Union.

As long as Old Glory can wave freely and with respect, we are free.

But when it is allowed to be dragged down and burned, we are on our way to being enslaved.

Think hard and long about how many of the things that are held dear to us have been made a mockery of.

Think. Think. Think.

Delbert Ray

STATEMENT BY POPE JOHN PAUL II—L'OSSERVATORE ROMANO

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GRAY. Mr. Speaker, I rise today to bring to the attention of my colleagues a statement made on July 6, 1989, at the Vatican by His Holiness, Pope John Paul II, to a congressional delegation co-lead by the gentle lady from Illinois, LYNN MARTIN, and myself. The delegation, consisting of 13 Members from several States and both sides of the aisle, visited the Middle East and Europe on a fact-finding mission to study United States foreign aid, the Middle East situation and the European Economic Community open market beginning in 1992.

At the Vatican, we were graciously granted a private audience by the Pope. I commend his inspiring words to my colleagues:

Ladies and Gentlemen, I am happy to have this opportunity of meeting this Delegation from the United States Congress during your visit to Rome. I greet you most cordially, a greeting which I extend to your spouses and staff members.

I have learned with much pleasure that you are involved in foreign assistance programs, and so I take this occasion to encourage you in this work of providing material and financial aid to those who have suffered as a result of war or civil strife. And I thank you for the generosity you have shown to date.

There is a fundamental truth about humanity which is self-evident for a Christian but nonetheless worth repeating frequently: we are one human family, irrespective of race, culture, language or history. This truth calls us to recognize the underlying solidarity and interdependence of the human family as the basis for peaceful co-existence. When we see our brothers and sisters in need there is a spontaneous desire to reach out and help those who are affected by natural disasters, war or famine. The human spirit can and does respond with generosity to the plight of the suffering and the less fortunate. The call to solidarity and assistance impels us to do all we can to break down the barriers which prevent us from reaching out with love and trust to all who need our help. True human solidarity does not recognize political or ideological

boundaries. It has an ethical dimension which is all-embracing.

I hope that our meeting today will strengthen our common resolve to work for a world where human dignity is properly respected and effectively safeguarded. I pray that Almighty God will continue to grant you the gifts of wisdom and understanding, so that in your noble office you will give inspiring leadership and ever more generous service according to the best aspirations of your people and on behalf of the genuine good of men, women and children everywhere.

God Bless you all.

INSTILL LOGIC AND REASON INTO PHYSICIAN PAYMENT SYSTEM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. RICHARDSON. Mr. Speaker, Congress is in the process of revising its method of reimbursing physicians under part b of Medicare in an effort to instill logic and reason into our physician payment system. In so doing, maintaining continuing access to health care must be one of our preeminent objectives. I would like to bring to the attention of my colleagues 10 reasons, authored by the American Society of Internal Medicine, to reject the imposition of expenditure targets.

TEN REASONS WHY CONGRESS SHOULD REJECT EXPENDITURE TARGETS

1. The expenditure target is not yet sufficiently developed for Congress to make an informed decision on its advisability or feasibility. The administration cannot even answer such basic questions as whether targets work best on a national, regional, state, carrier, or locality basis; what services they should apply to and on what basis; whether a single target is better than several targets; how physicians are supposed to collectively organize to control volume; what happens to access to care if the targets are exceeded; and how the government will determine what is an "appropriate" increase in volume. The administration asks Congress and beneficiaries to "trust us" to come up with the answers. But shouldn't Congress demand specific answers—and a detailed proposal—before enacting a program with such uncertain effects for the medical care system? After all, once ETs are accepted, it may be difficult to turn back.

2. Expenditure targets penalize precisely those physicians whom the system should reward: those who have a more conservative, lower volume style of practice. Their fees will be cut if their higher volume colleagues cause the target to be exceeded. On the other hand, physicians who are already inclined to "overutilize" are likely to order even more services, in order to maintain their Medicare revenue base should the target be exceeded and fees cut. Does it make any sense to enact a program that penalizes the good doctors while rewarding the bad ones?

3. Similarly, expenditure targets will penalize communities with volume that differs from the average. Physicians in rural areas, for example, who typically provide a lower volume of services, will lose if their urban colleagues cause the target to be exceeded.

If the fees of rural physicians are cut because of ETs, this will undo the benefits of the other portion of the administration's reform package: implementation of a new fee schedule designed to increase payments for primary care services in rural communities. Inner city areas that appropriately provide more services per patient—due to the poorer health status of many inner city patients, as evidenced by higher rates of cancer, heart disease, and other expensive illnesses—also will be penalized because their utilization exceeds the "average" predicted by the target. That is one of the basic problems with ETs: it assumes that all patients are average, when in fact, the needs of individual patients—and the communities in which they live—may be far different than the average.

4. There is no reason to believe that the medical community can collectively organize to control volume, especially if ETs are implemented in fiscal year 1990. Even though the profession is committed to reducing ineffective services, there are a host of practical and legal obstacles to collective action. One suspects that proponents of ETs recognize the difficulties involved in collective action, and are really more interested in obtaining an easy mechanism to cut the Medicare budget than in reducing ineffective services.

5. Without a scientific basis to separate out ineffective from effective services, ETs may force reductions in appropriate services. ETs can reduce volume only if physicians decline to provide certain services that they otherwise would have ordered on behalf of their patients. Without a rational basis for evaluating the effectiveness of each service, physicians will be unable to reduce volume without risking a reduction in needed services. ETs place physicians in an inherent conflict of interest: if they provide their patients with all of the services that they believe are needed, the target may be exceeded and their fees cut; if they don't provide those services, they'll gain financially at the risk of compromising the health of their patients. Do we really want physicians to choose between underproviding needed services or seeing their fees cut?

6. There is no reason to believe that the Government is capable of predicting in advance what the volume of services should be in any given year. Is there any reason to believe that the same people who can't accurately predict inflation, interest rates, or the deficit in any given year will do a better job in predicting how many services Medicare patients really need? And if their predictions are wrong, it is the patient who loses. The health of Medicare patients is just too important to take that gamble.

7. Expenditure targets are inherently discriminatory against Medicare patients. In 1965, Congress promised the elderly that Medicare would provide them with care that is equal to, or better, than that available to all other Americans. As the only group that would now be subject to a limit on total dollars spent on their medical care, ETs would break that promise.

8. Expenditure targets will shift costs to all other patients, businesses, and insurers. As the dollars spent on Medicare are capped, the costs of treating Medicare patients will inevitably be passed through to all other patients. Is it fair to impose a hidden tax on all patients because the administration no longer wants Medicare to pay its fair share of the bill?

9. If the administration continues to insist on holding reform of the payment system

hostage to expenditure targets, an historic opportunity for progress on reform may be lost. Congress has before it a proposal to establish a Medicare fee schedule based on a resource based relative value scale (RBRVS). This proposal would correct many of the distortions that now adversely affect the quality, cost, and availability of care provided to Medicare patients. The administration says it won't support RBRVS implementation without expenditure targets. Holding a good idea hostage to a bad one doesn't make sense. The administration tells Congress that there are only two choices: mandating ETs, despite all of the dangers, questions, concerns and uncertainties discussed above, or doing nothing. But there is another choice, if Congress has the wisdom to take it: enact an RBRVS fee schedule, but reject expenditure targets.

10. There is a viable alternative to ETs that can reduce the volume of ineffective services without placing Medicare patients at risk. That alternative is to embark on an aggressive program of outcomes research and development of practice guidelines, so that physicians—and the Medicare program—can identify, and eliminate, ineffective services. Practice guidelines can be developed to begin having an impact within the same time frame contemplated by proponents of ETs. Expenditure targets are not needed to stimulate physicians to develop and support practice guidelines. The Patient Outcomes Research Bill, S. 702, and the Health Care Research and Policy Act, H.R. 2601, provide the framework for a national policy on effectiveness research and practice guidelines. We urge Congress to support those proposals—and to reject expenditure targets.

BACK TO THE FUTURE IN PROMOTING INTERNATIONAL RESPECT FOR WORKER RIGHTS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. PEASE. Mr. Speaker, in the past 5 years the Congress has led the way in statutorily linking respect for fundamental worker rights to the conduct of U.S. trade and investment policies. This year the Congress is taking the first steps to include respect for worker rights among the basic criteria to be met by foreign countries seeking foreign assistance from the U.S. Department of State and the Agency for International Development.

The worker rights provisions in the International Cooperation Act of 1989 (H.R. 2655) may seem like novel steps for U.S. foreign aid, but, in fact, they harken back to some of the most successful foreign assistance programs ever undertaken by the U.S. Government—the Truman doctrine and the Marshall plan of the late 1940's.

I commend to the reading of my colleagues the following interview with 86-year-old Alan Strachan, one of America's first labor advisers under the Truman doctrine. I applaud the U.S. Department of Labor for collecting this very valuable oral history in a recently published pamphlet entitled "Rebuilding Labor and Democracy in Postwar Greece: An Eyewitness Account".

REBUILDING LABOR AND DEMOCRACY IN POSTWAR GREECE: AN EYEWITNESS ACCOUNT INTRODUCTION

Recently both the House Foreign Affairs Committee and the Agency for International Development (AID) have called for a new approach to American foreign aid, one which emphasizes economic growth, the strengthening of democratic institutions, and political and economic pluralism.

These same concepts lay at the heart of the Truman Doctrine and the Marshall Plan—perhaps America's most successful foreign aid programs. In considering the future of American foreign assistance, therefore, perhaps one should also consider its past.

President Harry S. Truman launched the Truman Doctrine in 1947 to help Greece's fragile new democratic government rebuild its devastating postwar economy and counter an emerging communist challenge. The Truman Doctrine, for the first time ever, included a small but significant labor program aimed at assisting Greek democratic trade unions and the labor ministry contribute to Greece's recovery.

The success of this first experiment in international labor assistance was later extended to other countries in Western Europe under the Marshall Plan, and to literally dozens of Third World countries under programs administered by the Agency for International Development and the U.S. Department of Labor. More recently, however, these efforts have declined as shifting AID priorities focused on other areas.

In February 1989, Lydia Sigelakis of the Labor Department's Bureau of International Affairs, interviewed Alan Strachan, one of America's first labor advisers under the Truman Doctrine. In the exchange which follows, Mr. Strachan provides an eyewitness account of American efforts to help rebuild labor and democracy in postwar Greece.

LABOR AND DEVELOPMENT

Question. Let's begin with an almost philosophical question: Do you think, based on your vast experience in Greece and elsewhere, that it's important to help develop independent labor unions and improve wages and working conditions hand-in-hand with overall development efforts in order to ensure sound economic growth?

Answer. Oh, there's no question about it. A good, educated, more understanding, shall we say, well disciplined labor movement is an asset for economic growth. I'm not sure you can have economic growth without some kind of emphasis on the labor force.

I should think that anybody who had any common sense who wanted to improve his country, say a Minister in the country, would realize that he has to develop the labor of the country. The better the labor movement is, the more educated it is, the better it is for the country's economy.

A worker produces more under better, safer working conditions and higher wages. He's not worrying about what he's going to get paid (will it be enough to survive?). I don't think you can have a good economy unless you have adequate working conditions and wages.

Question. Can we take Greece as an example? It had been occupied by the Germans during the Second World War. What shape was it in when you got there?

Answer. I was there from 1947 to 1953. The German army had ravaged the whole country. And they did it very scientifically. They destroyed all the key parts of the rail-

ways—they took all the fireboxes out, for instance. The whole economy was shattered. Not only bombed out and destroyed, but the whole financial system was absolutely in chaos. The economy was just a wreck.

Greek politics also was in complete chaos. The government had been in exile in several different places during the war. They were brought back by the allied forces and formed a coalition government. They were mixed up between conservatives, liberals, right wing, left wing—you never knew how they were going to vote. There might be six or seven political parties in the coalition. And one of the great problems of these coalition governments—if they didn't like something they'd resign, and the government would fall. I had seventeen Labor ministers while I was there. That's how upset it was, the whole thing.

Question. What was the situation like for Greek labor?

Answer. The labor unions had been destroyed by the Greek dictator Metaxas. In 1936 he did away with all democratic organizations in Greece, and of course the labor movement was one of them. When we went in there, there was no real organized labor movement. It was all underground, roaming around in little groups here and there. That was one of our problems—they represented every damn political group in the country.

Question. What about the communist threat—Soviet subversion and the guerilla war?

Answer. The communist threat was there, but I don't think the Communist Party was very strong. It was so mixed up, survival was more important than political action. But the communists were beginning to organize parades and demonstrations. The communists had their eye on Greece as a warm water port. That's what they really wanted Athens for. They had no direct exit to the Mediterranean. They had to go through the Black Sea. They never got it, but that's what they were after.

The guerrillas were chased out of the country by the British, but they came back and organized in the hills. They were a terrible nuisance. I'd say that most of the rural areas of Greece were controlled by the Communists.

TRUMAN DOCTRINE AND LABOR ASSISTANCE

Question. What led to the Truman Doctrine?

Answer. The British army was defending Greece, so when the war ended they were left trying to help a country that was bankrupt and in terrible shape. But Britain was having its own economic problems and just didn't have any resources. They came to the United States, to Truman, and told him that they could not hold Greece much longer, so would we take it over. Now this, you understand, is a really important part of our history—we had never done anything like this before.

Question. How did the labor assistance program become part of the Truman Doctrine?

Answer. The British Trades Union Congress, the TUC, came to us and said look, we've got to get the Greek labor movement back on its feet. Could you help us out of this mess? So we sent Sam Berger, our labor attaché in London, to Greece to develop a labor program to rebuild the Greek labor movement.

Question. Was Truman a promoter of labor assistance?

Answer. Yes, I think you'd say he was a promoter. You didn't have to struggle to win him over, particularly when [Averell]

Harriman [Secretary of Commerce] tells him he needs a labor division over there.

Question. You were one of the first labor advisors to go to Greece under the Truman Doctrine. What were your objectives? What was your role?

Answer. Well, our objectives, of course, were to balance the economy and get labor to play a collective bargaining role as we understood it back in the States. The first thing with the trade unions, and almost the last thing, was the question of money—wages. They had terrific inflation in Greece back then. My role was, first of all, determining labor wages.

Another problem was trying to find out how many unemployed there were. The statistics were very inaccurate. We tried to get that straightened out with the Ministry of Labor.

Also, I was very interested in teaching people skilled work through vocational education programs in schools around the country, not just in Athens. We did very well. We financed a number of schools in small towns, bought them equipment. I remember two or three went very well. And up at Salonika—my God, it seemed that we had almost built a university, last time I was there!

Question. Your main role was helping Greek unions. What was your relationship with the labor leaders?

Answer. Oh, a very close one. I attended all the big meetings. Most of what we did was behind the scenes—you didn't make it too obvious. They'd come to see me and I'd tell them what I thought they ought to do or ought not to do.

As part of the Mission program, we sent a lot of labor people—from the unions and the Labor Ministry—to the States for training. We'd begin in Washington to give them a briefing, then they'd meet with American unions and companies. The trouble was to find somewhere in the States where they'd learn something, because we were too far ahead. Everything was so modern here compared to what they had that they were just flabbergasted.

Question. What kind of assistance did you give to the Greek Labor Ministry?

Answer. I was in to see the Minister at least once or twice a week. I'd give him advice or might ask him to do something. He was also a member of parliament.

We made one study of wages and cost of living. We took people from the Greek Labor Ministry and showed them what to do—how to go into a village and get some idea of the standard of living. It was a very, very nice job. The purpose was to show them that they ought to do this, and at the same time give us more accurate information about what went on in the small towns and villages.

Question. What kinds of special problems did you face?

Answer. A well known businessman in Greece came to us and said, "Look, IKA (which is the social security system) is in such a mess that you simply must look into it." I looked into it and agreed it was pretty awful. So we had a team of three experts come over and they spent about six months there, then went back and wrote a paper on what they found. But they were applying American standards to a different situation which they didn't understand—our people wanted to make Greece's social security system like ours.

We got into a terrible fight over this. They absolutely had the unions in an uproar, and I wound up threatening to

resign if they went ahead with the proposals in our experts' report. It came before the Greek cabinet, and I happened to be sitting in the cabinet meeting. The cabinet decided to go along with our experts' report and signed it. But they had this rule—an action doesn't become law until it's published the next day. Well, I saw them sign it—I was there—and I saw them take it to the printer. But it never got printed; it got "lost." The Prime Minister told me afterwards that he was against it and was only doing it because he thought we wanted it. Anyway, I won out on that one. That was social security.

POSITIVE RESULTS

Question. Were you able to make any changes in social security?

Answer. Oh yes. We made the changes that I and the unions had worked out.

Question. Were they successful?

Answer. I would say it was successful. But in this case, had we made the changes that our people wanted, it would have been a disaster.

Question. What was the impact of your work on Greek labor?

Answer. Well I think it brought some kind of organization to it. They didn't have work stoppages and strikes every day in Greece like they did before. A country can avoid strikes and instability by well-trained labor groups and a more disciplined workforce.

Question. Would you say that by helping Greek labor you helped Greek economic development?

Answer. Oh yes, very much so. I couldn't believe it, in some areas, after we left Greece, Greece was exporting wheat. I never knew they could export any wheat. And the railroads looked much better. Stores were much better. Everything else seemed to be working pretty well. Greece started to produce and export and did rather well for a while.

Question. What lessons from helping Greek labor could be applicable to today's foreign assistance programs?

Answer. I hate to say this, but I think you've got to have a certain kind of person dealing with these countries. You can't go in and tell them, "In the United States we do it this way or that way." They get sick of listening to that. You'll find sometimes some very good reasons why they do it differently from us. You've got to have somebody who's willing to listen to the other side.

DOUGLAS ALAN STRACHAN

Douglas Alan Strachan was born in London, England August 6, 1903 and came to the U.S. twenty-three years later. He started out as a toolmaker in the automobile industry in Detroit, and later held various jobs in the United Auto Workers, CIO. Mr. Strachan held several positions on the War Production Board: Labor Advisor (1941), Director of the Automotive division (1943-44), and Deputy Vice Chairman of the Office of Labor Production (1944-45). During his career in Greece he started as the Assistant Labor Advisor to the American Mission for Aid to Greece (1947-48) and became Director of the Labor and Manpower Division of the Mutual Security Agency (formerly Economic Cooperation Administration E.C.A.) in Greece. Mr. Strachan was labor consultant and Chief of the Labor Training Division of the Office of Labor Affairs, International Cooperation Administration (ICA) Washington, and later held the following posts abroad: Provincial Director Lahore ICA Mission, Pakistan (1959-62); Deputy Chief of Mission, ICA, Egypt (1963-

65); Deputy Chief of Mission, ICA, Viet Nam (1965-66); director of the Colombo Plan, Sri Lanka, (1966-69). Since his retirement in 1973, Mr. Strachan has been writing and travelling.

DOD SAYS "NO" TO NUNN-McCURDY VOLUNTARY NATIONAL SERVICE BILL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MONTGOMERY. Mr. Speaker, I'm certain my colleagues are at least aware of, if not well acquainted with, the various proposals now being circulated which would establish some type of voluntary national service program. The most highly publicized of these—the Citizenship and National Service Act of 1989, S. 3 and its companion bill H.R. 660—has been touted by its chief proponents as a means of awakening "a new spirit of civic obligation and participation in America." But what they fail to mention is that it would, in fact, seriously diminish our military strength, both in personnel numbers and quality. This is supported by the Department of Defense.

Senator SAM NUNN, coauthor of the legislation, has said the bill is meant "to expand the military's recruitment and training base and bring about better social representation in our Armed Forces." Senator NUNN has also said: "Obviously, we will need the Department of Defense's support and expertise in refining enlistment options for citizen soldiers * * *". He does not have this support.

Representative DAVE McCURDY, the other chief proponent, has expressed his deep concern over "the prospect of a declining pool of youth available for military service" and has claimed that "This shortage will threaten the quality of our Armed Forces * * *". According to the Department of Defense, his citizenship and National Service Act would only exacerbate the problem.

The Department of Defense says the enactment of the bill would do great harm to the military from a personnel standpoint. As DOD puts it, the bill "would reduce operational readiness, complicate mobilization, and increase Federal expenditures significantly in a constrained fiscal environment."

Mr. Speaker, I would like to share with my colleagues a letter to the committee from the Office of General Counsel detailing the DOD position on this unnecessary legislation.

[The letter and comments follow:]

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, July 11, 1989.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on H.R. 660, 101st Congress, a bill "To establish a corporation to administer a program of voluntary national service, and for other purposes."

The Department of Defense believes in service to America. It is proud of the 3.3 mil-

lion active, National Guard and Reserve Servicemen and Servicewomen who stand ready to give their lives in the Nation's defense. The Department opposes enactment of this bill because we believe, as written, it would reduce operational readiness, complicate mobilization, and increase Federal expenditures significantly in a constrained fiscal environment. It is not needed to meet military manpower requirements. The analysis leading to this position is enclosed. We expect the President to submit his own youth service bill in the near future, which we urge you to support.

People are our top priority, and the Amended Budget Submission provides resources required to arrest negative recruiting trends. Key military recruiting requirements (the Navy College Fund for 4-year enlistments, Army College Fund increases for longer enlistment options, Joint and Service-specific advertising, and resources for optimum recruiter placement), a competitive pay raise and quality-of-life programs are fully funded. With them, we can attract and retain quality people to operate and maintain our sophisticated systems. Barring unforeseen changes in the youth labor market, this package should preserve our competitive position with education and industry.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this report for consideration of the Committee.

A similar letter has been sent to the Chairmen and Ranking Republicans of the House Committee on Armed Services and the Senate Committees on Armed Services and Labor and Human Resources.

Sincerely,

L. NIEDERLEHNER,
Deputy General Counsel.

Enclosure: as stated.

DEPARTMENT OF DEFENSE VIEWS ON
S. 3/H.R. 660

CITIZENSHIP AND NATIONAL SERVICE ACT OF
1989

This report summarizes the views of the Department of Defense on S. 3/H.R. 660, 101st Congress, a bill "To establish a corporation to administer a program of voluntary national service, and for other purposes."

Because the volunteer force has proven to be highly effective and we have demonstrated the ability to attract the number of people we will need during the next decade, there is no need for either a peacetime draft or national service to satisfy military manpower requirements. There is, however, a strong need to sustain our success by maintaining the purchasing power and competitive appeal of recruiting/retention resources, incentives and military compensation. We request your support in doing this. We cannot afford to bid up the price for military manpower by setting up competitive forms of service.

S. 3/H.R. 660 would establish a program of voluntary national service, and require successful participation to qualify for Federal educational assistance. Options for service in the Citizens Corps include the Armed Forces, Civilian Service or a Senior Service established by the proposed legislation. Financial assistance of between \$10,000 and \$24,000 (depending on the nature of the selected service option) could be used to assist with education, vocational training, or the purchase/construction of a home. Civilian participants would be provided health insurance and be paid \$100 per week, while military participants would earn 66 percent of basic military compensation and could not

earn current in-service or veterans' education and housing benefits, based upon their period of national service.

The Department of Defense supports the concept of national service and is proud of the 3.3 million active, National Guard and Reserve Servicemen and Servicewomen who, under challenging circumstances, are prepared to give their lives in the Nation's defense. The Department's opposition to the proposed Citizenship and National Service Act of 1989 is based upon the need to sustain operational readiness and to meet mobilization requirements in a constrained fiscal environment. This proposed legislation could prove detrimental to both of these critical national security interests, would increase Federal expenditures by many billions of dollars, and is not needed to satisfy military manpower requirements.

We expect the President to submit his own youth service bill in the near future, which we urge you to support. The President's proposal will call for voluntary national service, service that is integrated into a young person's normal schedule and career path (as opposed to programs that require a set period of full-time service) and service that is not compensated with Federal dollars, because he believes that service is its own reward.

For the last several years, the Military Services have successfully recruited the high-quality people demanded by the increasing complexity of modern national security strategy and the high-technology weapon and support systems being acquired to execute it. While concern that it may be difficult to sustain this level of success in the immediate future is one basis for this legislation, the increased cost of doing so through adjustment to currently authorized recruiting and retention programs is measured in millions of dollars, rather than the billions this legislation could cost. By the time the programs envisioned by the legislation would be implemented, the 15-year decline in the youth population that has received such wide publicity will be over, and another expansion will have begun.

The national service program outlined in the proposed legislation would likely lead to lower overall military recruit quality, as the civilian service options are significantly more attractive than all currently available military service options and those proposed in the bill. Preliminary estimates indicate military compensation, recruiting, training and retention costs would have to be increased between \$3-13 billion to sustain current levels of recruit quality without drastically reducing experience levels if S. 3/H.R. 660 is enacted.

The alternative is unacceptable. Because of the large influx of 2-year enlistments, the training base (and associated costs) would have to expand markedly. In addition, unit training work loads, personnel turbulence, and attrition experienced in active and Reserve operational units would all increase. Minimum overseas tour lengths would need to be cut, sharply increasing permanent change of station costs. The combined effect of these factors would drive sharp accession and end strength increases, disrupt unit cohesion, weaken esprit and morale, reduce individual proficiency and compromise unit readiness.

The Department of Defense is also concerned with the potential economic impacts of this bill. If the promise of guaranteed opportunities for all who volunteer is fulfilled, program costs could grow to several million participants each year, with costs of many

billions of dollars. Limiting the program to about a million participants would raise serious questions of equity in selection of participants; since this is only about half the number of college freshmen who receive Federal educational assistance. In addition, any of the "forgotten half" of high school graduates (those who do not attend college) who would be attracted to the program by the housing or vocational training benefit would further drive up program costs or force an aspiring college student to find assistance elsewhere.

To the extent program growth is constrained financially, decisions must be made among those volunteers who will be permitted to serve. Avoiding inconsistencies that would be perceived as unfair by those denied the opportunity of serving would require a carefully developed set of national standards and an effective monitoring system (i.e., bureaucracy). Otherwise, the potential for waste, fraud and mismanagement appears substantial.

Our continued reliance on the volunteer force on its demonstrated ability to produce the level of readiness required by our national strategy in a time of austere budgets. The demonstrated ability to attract the proportion of the youth population needed during the next decade confirms there is no need for either a peacetime draft or national service to satisfy military manpower requirements. To sustain our success, however, will require adequate recruiting/retention resources and incentives as well as maintaining the competitive appeal of military compensation. We cannot afford to bid up the price for military manpower by setting up competitive forms of service. We request your support for these actions.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote 140 on July 17, 1989. Had I been present on the House floor I would have voted "no" on the Rhodes amendment in the nature of a substitute to H.R. 1484, legislation establishing a National Park Review Board.

A SALUTE TO THE PEACE CORPS FELLOWS PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity today to bring to the attention of my colleagues an outstanding teacher training/recruitment program which was initiated at Teachers College—Columbia University, in partnership with Peace Corps and the Board of Education of the city of New York. The name of this highly innovative program is the Peace Corps Fellows Program.

Originally established in 1985 to attract mathematics and science teachers to inner city classrooms, the Peace Corps Fellows Program has since been expanded to include

special education, bilingual education, and English as a second language teachers. With partial scholarships toward a Master of Arts in Education, Teachers College is recruiting and training former Peace Corps educators for duty in New York's public schools. What makes this program so unique is that this is the only program in the entire Nation which is tapping the returned Peace Corps volunteer pool to fill teaching vacancies in the aforementioned specialty areas.

Thanks to the funding support for scholarships from various corporations and institutes of education, over 65 veteran Peace Corps educators have entered the program since its beginning in 1985. This program is a wonderful opportunity for so many experienced, motivated, and academically talented teachers to give of themselves. A great majority of the volunteers who return from overseas, return without a job or to discover that they do not have the proper teaching credentials to teach in the U.S. public schools. However, after completing the 2-year course of study with the Fellows Program, the participants are eligible for a permanent New York State teaching certificate, which is recognized by 29 other States and U.S. territories.

The Peace Corps Fellows Program benefits not only these fine and very dedicated teachers, but the New York City school children as well. Both gain a vast knowledge of each other and both grow from that knowledge. New doors are opened and new paths made.

Mr. Speaker and my fellow colleagues, this program is an outstanding example of what hard work, dedication, and the will to succeed can accomplish. More importantly, it is the true ideal of what American voluntarism is all about. And for that, I am glad to have shared this program with you here today.

ALTERNATIVES TO TOXICITY TESTING IN ANIMALS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GREEN. Mr. Speaker, I should like to take this opportunity to address the issue of finding alternatives to utilizing animals in toxicity testing. In the August 1989 issue of Scientific American, authors Alan M. Goldberg and John M. Frazier highlight developments in the field of in vitro testing, or testing in glass as opposed to testing in live beings, in vivo testing. Although still in its infancy, this alternative science could eventually lead to toxicity testing without the need for intact, higher animals. Methods of this kind will not replace the use of animals immediately, as new technology takes time to become established. As we move toward the goal of replacing animals, in vitro testing can be used to lessen animal discomfort in many ways such as identifying chemicals that have the lowest probability of toxicity, allowing smaller quantities of a substance to be used, and other humane uses.

I should like to point out my long-term opposition to the use of the LD-50 (lethal dose 50) toxicity test, and my efforts to put an end to it. I initiated letters to the Environmental Protec-

tion Agency, the Consumer Product Safety Commission, and the Department of Transportation which were signed by 75 Members of Congress asking those agencies to promulgate regulations which would eliminate the use of the LD-50 test.

The VA-HUD-Independent Agencies Appropriations Subcommittee, where I serve as ranking minority member, inserted language in the EPA appropriations bill for fiscal year 1987 which mandated that EPA spend \$16 million of its research money to find alternatives to the use of animals in toxicity testing. The EPA's program for nontoxicity testing will continue through 1990 at a similar level. In fiscal year 1988, language was inserted providing \$300,000 to the Center for Environmental Management at Tufts University for studies aimed at finding alternatives to animal testing.

With the advent of in vitro testing, the research industry has the opportunity to avoid the excessive time and expense associated with the use of live animals, and more importantly, it can avoid pain and death in animals. I support research to find alternatives to the use of animals in toxicity testing, specifically the in vitro method, and shall continue to support funding for new alternatives.

PREPARING FOR AMERICA'S FUTURE

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. CARPER. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct the Voice of Democracy broadcasting scriptwriting contest. This year, more than 250,000 secondary school students participated in the contest competing for the nine national scholarships totalling \$42,500 which was distributed among the top nine winners. The contest theme this year was "Preparing For America's Future."

Ihor Szeremeta was the Voice of Democracy Winner from Delaware this year. Ihor is a recent graduate of William Penn High School, located in New Castle, DE. He is the son of Wasyl and Teodora Szeremeta. I am proud to present the text of his winning speech for inclusion in the CONGRESSIONAL RECORD.

"PREPARING FOR AMERICA'S FUTURE"

(By Ihor Szeremeta, Delaware Winner)

America now stands on the forefront of the third century of its existence. This is an exciting time for all Americans, yet there are those who say that America's future is bleak. These people claim that America has become a second-rate power: economically, militarily, and politically. They cite events such as the Stock Market crash of 1987, the bombing of the Marine barracks in Lebanon, the Iranian hostage crisis, and the U2 Spyplane incident as examples of America's growing weakness. These same people say that the American public has become lazy and content with being second best. To these people I offer a loud and resounding "NO!" I refuse to accept that over 300,000 brave men and women who died in World War II to protect a country that was happy being second best. I refuse to accept that

241 US Marines died in Lebanon to protect the interests of a second rate nation. I refuse to accept that 7 Challenger astronauts died serving a country that was proud to be second best. I refuse to accept that 8 Presidents died leading a country that didn't mind being second best.

I think that as America prepares for its future, we should all remember the words of John F. Kennedy, "Once you say you're going to settle for second, that's what happens to you in life, I find." We as Americans must refuse to settle for second best and constantly set our goals to be the best in all endeavors.

This goal of being the best must be set by national, state, and local governments, but most importantly, the American people must dedicate themselves to expanding their horizons in order to make America great. I propose that there are four major factors in America's achievement of her goal. First: participation in the Democratic process. Second: Emphasis on Education. Third: A new spirit of Volunteerism. Fourth: Exploration. With this plan we can succeed in preparing a bright future for America.

On the first topic of participation in government students like myself who are yet unable to vote have the responsibility of keeping informed on the issues facing our country. Those who have the right to vote must exercise this privilege that millions of men and women fought and died to preserve.

Secondly, Americans must put more emphasis on education—both about America and the world around us. We must learn about America in order to uphold her truths and values, but we must also learn about the world because the only way to beat a competitor is to know that competitor as well as you know yourself.

Thirdly, I feel that Americans should devote themselves to helping each other through volunteer work at places like hospitals, nursing homes, and shelters for the homeless. We should heed the words of Ralph Waldo Emerson when he said, "Make yourself necessary to somebody." As we take the gifts that God gave us and use them to help the fortunate in our society, we will become a stronger America if Americans help each other to overcome the obstacles that stand before them.

Fourthly, Americans should never allow themselves to become content with their present boundaries. We should be more than willing to spend the time and money necessary to explore the universe around us. I propose that Americans should, during my lifetime, be able to travel from the darkest corners of space in space shuttles to the heart of sub-atomic particles with powerful microscopes. If we better understand the world around us, then we will be able to better cope with the problems that we face here in America. America was founded by people who were not afraid to explore those things that they didn't understand. I hope and pray that Americans everywhere will be blessed with this pioneer spirit.

In closing, I refuse to accept the news from some people that "America is in decay." If we are Americans prepare ourselves for the future through involvement, education, volunteerism, and exploration, then we can insure that the Voice of Democracy in America will ring loud and clear throughout the world. Then will all Americans be able to boast of never being willing to settle for "second best" and always striving to create a stronger democracy.

A TRIBUTE TO CHRISTINE "KITTY" O'LONE

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. JAMES. Mr. Speaker, today I want to bring to the attention of my colleagues the fine accomplishments of Christine "Kitty" O'Loone, a very special young lady who resides in my congressional district.

On June 4, 1989, Kitty graduated from Seabreeze High School as the first multiple handicapped student to graduate from the school. Born as a rubella child, Kitty was left deaf and crippled, yet she was far from being deterred toward the attainment of her education. Through perseverance guided by great spirit, Kitty graduated with honors from Seabreeze High School last month.

The Florida House of Representatives recently honored Kitty with a commemorative resolution that reads as follows:

A RESOLUTION COMMENDING CHRISTINE O'LOONE FOR HER ACCOMPLISHMENTS IN GRADUATING WITH HONORS FROM SEABREEZE HIGH SCHOOL IN DAYTONA BEACH

Whereas on June 4, 1989, Christine "Kitty" O'Loone will graduate from Seabreeze High School and will be the first multiple handicapped student to graduate from the school, and

Whereas Kitty was born a rubella child in 1969, and the disease left her deaf and crippled, and

Whereas in a journey which has taken her from Johns Hopkins to the Kennedy Institute with the help of the United Way, she has traveled from a hopeless prognosis of permanent institutionalization to a full active life as a high school student, and

Whereas the faculty, staff, and students at Seabreeze High School provided an environment in which Kitty was able to grow and excel, and

Whereas it is fitting and appropriate that the House of Representatives take time out to commend Christine "Kitty" O'Loone for her exemplary spirit and outstanding accomplishments: Now, therefore,

Be It Resolved by the House of Representatives of the State of Florida. That the House of Representatives of the State of Florida hereby commends Christine "Kitty" O'Loone for her accomplishments in overcoming tremendous obstacles and graduating from Seabreeze High School with honors.

Be it further resolved. That a copy of this resolution be presented to Christine "Kitty" O'Loone as a tangible token of the sentiments expressed herein.

Kitty certainly serves the 4th congressional district and the Nation as a fine example of the importance of individual initiative and determination to the achievement of one's goals. Therefore, I want to extend my own congratulations to Kitty on her graduation from high school, and wish her continued success in all her future endeavors.

HONORING ELIZABETH AYELO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay special tribute to Elizabeth A. Ayello, RN, MS, clinical nurse specialist at Booth Memorial Medical Center in Flushing, Queens County, NY. Ms. Ayello was recently named the statewide winner of the New York State Legislature's Nurse of Distinction Award. This prestigious honor, which recognizes individual excellence in the nursing profession and promotes community awareness of the role of nurses in the State's health-care system, was presented to Ms. Ayello by Governor Mario Cuomo and State Senator Tarky Lombardi, Jr., legislative coordinator of the Award Program.

Ms. Ayello has gained national recognition through her work on several committees of the American Society for Parental and Enteral Nutrition (ASPEN). She revised the ASPEN national nutrition support standards used by physicians, nurses, dietitians, and pharmacists in caring for inpatients and outpatients in need of intravenous feeding and tube feeding.

At Booth Memorial, Ms. Ayello is a clinical nurse specialist for surgery. She provides direct patient care, teaching, and emotional support to persons with severe body disfigurements. Ms. Ayello is also assistant professor of clinical nursing at Adelphi University's Graduate School of Nursing. She has been a guest lecturer at the State University of New York at Stony Brook, is a former instructor in the Queensborough Community College Department of Nursing, and served as technical advisor for the television series, Nurse.

Ms. Ayello is a moderator of the monthly Nursing Grand Rounds at Booth, and is chairperson of the Nursing Care Plan/Documentation Committee, where she helps design ways to more efficiently comply with regulations mandated by New York State for individual patient care plans. She also co-developed an outpatient ostomy service at Booth Memorial, the first in Queens to be run by a nurse.

Among contributions to the community, she is the founder and director of the Down's Syndrome Parent Support Group of Queens, and is the professional coordinator of the Long Island Breast Cancer Support Group.

Ms. Ayello is a role model and inspiration for those in the medical community. We in Queens are proud and lucky to have her among us. I would like all of my colleagues in the House of Representatives to join me in honoring Ms. Elizabeth Ayello and commending her for her outstanding service.

A PLACE THAT WE ARE ALL
PROUD TO CALL HOME

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. THOMAS of Georgia. Mr. Speaker, this year there are several significant milestones

being recognized in my congressional district—Evans County, GA, celebrates its 75th anniversary and the city of Claxton, GA, and the Seaboard Railroad—which runs through Claxton from Savannah, GA, to Montgomery, AL—celebrate their 100th anniversary. As their special celebrations take place, I would like to pay tribute to a man who was raised in this area and went on to represent the people of this area in the U.S. Congress in the early part of the 1900's.

Charles Gordon Edwards was born in what is now Evans County, and served two separate tenures in the U.S. House of Representatives as the Congressman from the First District. Throughout his service in the Congress and his life, Congressman Edwards was a tireless servant to his constituents. The scope of his activities far exceeded the boundaries of his official duties—he was honestly concerned about the personal well-being of his constituents. He enacted many measures into law, but the greatest legacy of his service is the honesty, the integrity, and the hard work that was the hallmark of his public life.

Congressman Edwards was not only interested in the welfare of the people in his district—he carefully considered legislation to determine how it would affect the country at large. He made special efforts to act in a manner that was representative of all of the people of this country.

His work was well-known on the Rivers and Harbors Committee—at one point he was the ranking Democratic member of the committee. His efforts were tireless in promoting river and harbor activities in Savannah and to secure projects that would offer greater opportunities to the people of the First Congressional District.

Congressman Edwards was born in Daisy, GA, on July 2, 1878. He attended public schools, Gordon Institute in Barnesville, GA, and Florida State College. He graduated from the law department of the University of Georgia in 1898 and was admitted to the bar that same year. He began practicing law in Reidsville and in 1900, he moved to Savannah where he continued his law practice.

He was elected to the 60th Congress and served from March 4, 1907 until March 3, 1917. After resigning his congressional seat, Congressman Edwards resumed his practice of law in Savannah. During his time in Savannah, he also served as president of the Savannah Board of Trade in 1919 and 1920, and as a member of the Harbor Commission of Savannah from 1920 to 1924. Congressman Edwards returned to the Congress in 1925, being elected to the 69th Congress and the three succeeding Congresses. He died in Atlanta on July 13, 1931, in the middle of his seventh year in office.

As the citizens of Evans County salute the city of Claxton, the county, and the railroad, I ask that we all remember Charles Gordon Edwards and the many good things that he did for Evans County and the First Congressional District. He was a hardworking diligent Member of Congress who helped mold and shape his country and his district into a place that we are all proud to call home.

EXTENSIONS OF REMARKS

TRIBUTE TO THE OUTSTANDING CONTRIBUTION MADE BY JAMES D. "JIMMY" GRAUGNARD, PRESIDENT OF THE LOUISIANA FARM BUREAU

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to extol the outstanding contribution Mr. James D. "Jimmy" Graugnard has made to the Louisiana Farm Bureau. For the past 26 years, Jimmy has been president of one of the most influential and highly respected farm bureaus in the United States. It has been my honor to have worked with him closely during some of these years. Since Jimmy's advice and recommendations were sought out by all of us, including many U.S. Presidents, we will sorely miss his input into developing sound farm policies. Clearly, Jimmy's leadership ability and personal style will be sorely missed. I wish Jimmy the best in all future endeavors and that his future remain bright. I will deeply miss his leadership as president of the Louisiana Farm Bureau.

INTRODUCTION OF THE TELEPHONE ADVERTISING REGULATION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Telephone Advertising Regulation Act, a bill to make it possible for businesses and individuals, who rely on the telephone as a necessary ingredient of their daily activities, to free themselves from the cost and intrusion of the unwanted advertising that is increasingly finding its way into their offices and homes.

The telephone resides in virtually every American home and business and has become an integral part of our daily lives. Its promises and problems affect us all. Telephone solicitation also offers us both promises and, unfortunately, problems.

Telemarketing, the use of the telephone to purchase or sell products and services, or obtain and give information, has been with us since the 1920's. It offers businesses an opportunity to reach out cost-effectively to broader markets and to provide fast, efficient customer service information to those who need it. However, unsolicited telemarketing to consumers and businesses that are not familiar with either the company or its product or service increasingly crosses the line between helpful and unacceptably intrusive.

The telephone is an insistent master—when it rings we answer it—and many consumers complain bitterly that, when it rings to deliver unsolicited advertising, it is invading their pri-

vacy. Likewise, businesses, dependent on their telephone lines to carry the words, data and images that are so essential to the success of their enterprise, have come to decry the cost and interference with business activities of some forms of unsolicited advertising.

In recent years a growing number of telephone solicitors have started to use automatic dialing systems. Each of these machines can automatically dial up to 1,000 phones per day to deliver a prerecorded message. According to industry officials, each day they are used by more than 180,000 solicitors to call more than 7 million Americans. Unfortunately, these machines are often programmed to dial sequentially whole blocks of numbers, including hospitals, fire stations, pagers, and unlisted numbers. This not only makes the machine an equal opportunity nuisance, but an equal opportunity hazard, particularly in instances where the machine is not capable of releasing the called party's line once they hang up.

The newest technology to gain popularity for delivering unsolicited advertising is the facsimile machine. An office oddity 2 years ago, the fax machine has rapidly become an office necessity in my office and more than 2 million others, delivering more than 30 billion pages of material each year. But, with the growth in fax machine numbers has come junk fax, the electronic equivalent of junk mail. To quote a recent article from the Washington Post, receiving a junk fax is like getting junk mail with the postage due. Succinctly put, using a facsimile machine to send unsolicited advertising not only shifts costs from the advertiser to the recipient, but keeps an important business machine from being used for its intended purpose.

The bill I am introducing today, together with the ranking minority member of the subcommittee, Mr. RINALDO, and Mr. FRANK, Mrs. ROUKEMA, Mr. SHAYS, and Mr. STARK, is a bipartisan effort to return a measure of control to consumers over what they hear and read.

This is a bill that combines the best aspects of three separate pieces of legislation on which the Subcommittee on Telecommunications and Finance held hearings earlier this year. It has received broad acceptance within both the telecommunications and direct marketing industries as a fair and reasonable compromise between more stringent calls for restrictions of telemarketing and a continuation of today's growing consumer complaints.

This bill will not eliminate unsolicited telephone advertising, for certainly we must acknowledge that telephone solicitation, when conducted properly, is an established, lawful marketing practice. But this bill will give consumers a mechanism to specify that they do not want to receive unsolicited advertising and require advertisers to honor that choice.

I urge my colleagues to examine and support this legislation, not as a restriction on commercial practices, but as an affirmation of an individual's right to choose to be free from unwanted intrusions.

**BILL DRAKE—PACIFICA'S FORE-
MOST CITIZEN JOURNALIST**

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to my good friend, Bill Drake of Pacifica, CA.

Bill Drake, the retiring editor of the Pacifica Tribune, was its copublisher and a major contributor to its columns for 30 years. With Drake at the helm, the Pacifica Tribune took off—expanding its circulation among the newly incorporated villages that formed Pacifica, and setting award-winning standards of journalistic excellence.

A glance at Bill Drake's resume reflects the valuable background and experience he brought to Pacifica in 1959. He graduated from Franklin College in Indiana and went to work for the Franklin Evening Star. His next assignment was with the Tucson Citizen which eventually led to a position with United Press International in Indiana. He rose within the wire service's ranks to manage U.P.I.'s entire coverage of Nebraska, operating from both Omaha and Lincoln.

Bill Drake's experience and dedication to his community reporting showed right from the start. Not long after moving to Pacifica with his wife, Peggy, the coastal city faced the greatest crisis of its newly incorporated life. In 1962, a flood devastated the town, and true to form, Bill Drake was all over the story. The coverage brought him the first of many awards and, more importantly, provided a great service to Pacificans.

A newspaper binds together the residents of any community, and over the years, Bill Drake's fair and thorough coverage has informed, motivated, and entertained the residents of Pacifica. In fact, in many ways, the Pacifica Tribune and Bill Drake made Pacifica the civic-minded community it is today.

Mr. Speaker, I invite you and the rest of my colleagues in the House of Representatives to join me in commending Bill Drake for his 30 years of devotion to the Tribune, Pacifica, and Pacificans.

HOME FREE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. EDWARDS of California. Mr. Speaker, I wish to call to the attention of my colleagues in the House a July 3 column from the Hayward Daily Review regarding the freedoms we as Americans take for granted every day.

The article, by outstanding columnist Ray Orrock, reminds us of how we should take the time to reflect upon these freedoms. It is in our interest as a democracy to continually reflect upon our freedoms in order to ensure their protection. Mr. Orrock points out it is indeed even among our rights to show dislike for something which is considered the "American way," and still be considered an Ameri-

EXTENSIONS OF REMARKS

can. To be an American is to openly express our ideas, no matter what they may be. Our tolerance of unpopular views and forms of expression is indeed much of what makes America great.

Mr. Speaker, as we in Congress consider what action to take regarding the recent Supreme Court ruling in Texas versus Johnson, I find it important that we take the time to think about Mr. Orrock's column. For the benefit of my colleagues and the American people, I submit the article that appeared in the Hayward Daily Review for the RECORD.

HOME FREE

(By Ray Orrock)

Freedom is like not having a toothache. Remember when you were little and were stricken with a painful toothache? Do you recall how it took over your entire consciousness? And do you remember telling yourself: "What I wouldn't give just to feel normal again! How could I have ever forgotten how good it feels not to have a toothache? I will never again take that wonderful, normal feeling for granted!"

And eventually the toothache did go away, and you promptly forgot all about what it felt like—and went right back to taking your teeth for granted.

We Americans, thank God, are like a man who has never had a toothache. He cannot conceive of the pervasive pain that the malady engenders, because he has never experienced it.

And we cannot conceive of what pain the loss of freedom might bring, because we have always been free.

Tomorrow, however, we will honor the efforts of a group of Americans who did know what it was like not to be free.

They had experienced taxation without their consent, the repression of free speech and a free press, the denial of trial by jury, the violation of their privacy, and a host of other high-handed insults that amounted to a chronic pain in the aspirations.

They decided that enough was enough, hired a hall, convened a ragtag congress, and settled down to bickering among themselves over what they should do.

They insulted one another, accused one another, questioned one another's motives, called one another names and got on one another's nerves until finally—out of that Quarrelsome Quorum—came one of the most remarkable documents the world had ever seen.

That document, the Declaration of Independence, amounted to a birth announcement for a nation. It was dubbed the "United States," but its middle name—then as now—was "Freedom."

Among the myriad rights included under the blanket term Freedom is the right to take it for granted, and it is the right we Americans have assiduously exercised since the day the Declaration was declared. This worries some people and puzzles others.

Bartlett's is full of quotations about freedom, from people clearly recognized as patriotic Americans. But I think it's a good idea once in a while to tune in on what is said by people who once were viewed as anything but patriots, or people who are not Americans at all.

Someone like Aleksandr Solzhenitsyn, for example, who loves his native Russia, deplores its denials of personal freedom, and is equally awed by the level of freedom found in the U.S. and disgusted by the way we take it for granted.

Or Eldridge Cleaver, who once expressed his contempt for America, left it to spend several years in some of those People's Paradises he'd heard so much about, and came back, abashed and apologetic, to proclaim: "Americans have got to stop taking freedom for granted."

We will go right on treating Freedom casually, though, perhaps because we feel we'll know when it's time to stop being nonchalant—and that might be the best attitude, after all. There is a difference between the American Way and the concept of Freedom.

According to Madison Avenue, the American Way is baseball, hot dogs, apple pie and Chevrolet.

But according to the average citizen, you can prefer football, get indigestion from hot dogs, detest apple pie, and drive a Ford, and still be a star-spangled American. That's Freedom.

It was a birthday present, 213 years ago, from those quarrelsome gents who, in their wisdom, put humanity ahead of vanity. Vanity would have dictated a Declaration enshrining principles; the Continental Congress dictated a Declaration enshrining people.

They sought to provide Americans with the Best Things in Life, and were wise enough to know that the best things in this country's life were Americans. Principles cannot feel compassion or laugh out loud or fall in love. Only you and I can do that. We are the Best Things In Life.

And thanks to those cantankerous delegates, today the Best Things In Life are free.

**TOUGHENED BY AUSTERITY,
MEXICO HAS EARNED DEBT
RELIEF**

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ASPIN. Mr. Speaker, I would like to share with my colleagues the following article by my friend, the Honorable Patrick J. Lucey, the former U.S. Ambassador to Mexico. Governor Lucey gives a solid, commonsense approach to dealing with the financial situation of our neighbor to the South. I believe it provides valuable insight as we consider measures to deal with the Mexican debt.

**TOUGHENED BY AUSTERITY, MEXICO HAS
EARNED DEBT RELIEF**

(By Patrick J. Lucey)

During the early stages of the peace negotiations between the United States and North Vietnam, the big issue was the shape of the table. Now, in the negotiations between Mexico and its commercial bank creditors, the table is also at issue—not its shape but the seating arrangement. It is a high-stakes game of chairs.

Usually, a debtor, especially one in desperate straits, finds itself on the other side of a formidable desk or table from its banker. But Mexico's relationship with its creditors is not a typical one. Mexico is not in default on any of its loans. In fact, some of Mexico's close friends (I am one) have watched with pleasure, if not surprise, the development of Mexico's well-earned reputation as an ideal debtor.

Mexico has learned to live with the austerity of the guidelines imposed by the

International Monetary Fund. For six years, Mexico has had a virtually no-growth economy, with a roughly 50% net loss of real income for poor, blue-collar and middle classes alike. The people of Mexico have demonstrated admirable patience through this travail, yet one cannot but wonder how much longer this will last.

Mexico's burgeoning population (an annual increase of nearly 1 million in the potential work force) demands healthy, job-creating growth. This is not possible as long as the cost of debt service exceeds 6% of the gross domestic product and 80% of the value of Mexico's total exports.

The cost of debt service must be sharply reduced. Both sides of the table have come to realize this. The questions are: How, and by how much, can it be reduced?

While some narrowing of the spread between the two positions is duly noted, the bankers and the Mexican negotiators still find themselves in an adversarial relationship—as on opposite sides of the bargaining table. Yet their goals are not that different. The banks must recognize by now that their self-interest requires a stable, prosperous, growing Mexican economy. Only in this happy circumstance can they hope to recover any substantial amount of their principal and realize a reasonable return on that reduced amount as it is being repaid.

When I was U.S. ambassador to Mexico, I never found any conflict of interest in working on behalf of the United States to encourage a prosperous, democratic, stable Mexico. What was good for Mexico, on most issues, also was in the best interest of the United States.

The commercial bankers are in a similar situation. The Bush Administration's Brady Plan has acknowledged the need for reducing the principal of Third World debt. The banks themselves, during the recent period when debt-for-equity swaps were being used to encourage foreign investment in Mexico, created a secondary market for Mexican obligations. That market currently values Mexico's sovereign debt at less than 50 cents on the dollar.

Time is running out. The narrow and hotly disputed election victory of President Carlos Salinas de Gortari last July indicated that Mexicans' traditional acceptance of their economic plight may be nearing the breaking point.

Salinas' every move in office has strengthened his credibility and restored Mexicans' confidence that the system can be made to work. But he needs a successful resolution of the debt crisis—and soon. Mexico's foreign reserves are being depleted. There are suggestions in some news reports that support may be eroding for the responsible, nonconfrontational position that Mexican debt negotiators have taken.

Last month, President Salinas again displayed effective leadership by hammering out a renewal of the anti-inflation pact with labor and business. This policy has, in recent years, reduced Mexico's annual rate of inflation from nearly 160% to about 19%. Many felt that a new pact could not be achieved prior to a resolution of the debt crisis. The fact that it has strengthens the negotiating position of Mexico. But the president still needs to get this critical issue behind him.

A workable solution of the debt crisis would encourage the return to Mexico of domestic capital that has moved abroad. A breakdown of negotiations or a protracted delay of the debt's resolution could have the opposite effect.

We hear that some banks are continuing to push for a renewal of debt-for-equity swaps. The Salinas administration feels that swaps are unacceptably inflationary and it has no intention of renewing this program. But the remote possibility that the banks might eventually prevail with equity swaps is, no doubt, keeping on hold many major job-creating foreign investments.

If the Brady Plan, in its present form, does not provide a sufficient carrot-and-stick to get the banks off dead center, the Bush Administration must find other ways to put additional pressure on the banks. To do less risks our well-developed and many-faceted relationship with our most important southern neighbor.

The value of preserving a friendly, stable, prosperous, democratic Mexico on the other side of the 2,000-mile land border that we share is incalculable. It far exceeds whatever it would cost to get the bankers and the Mexicans to the same side of the table.

THE 10,000TH SBA 504 LOAN

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. CHANDLER. Mr. Speaker, I am proud to acknowledge the Seattle District Office of the U.S. Small Business Administration for awarding its 10,000th loan under the Certified Development Company Loan Program, known as the 504 program.

This 10,000th loan was made in May of this year to Baxter Manufacturing, Inc. of Orting, WA, located in the Eighth Congressional District which I represent.

Mr. John Talerico is District Director of the Seattle District Office of the SBA; Mr. Hal Wolf is Regional Administrator. For a program that came very close to extinction a few years ago, I think the Seattle office should be congratulated for its achievements. In addition to guaranteeing loans to small businesses, the Seattle office provides counseling and other forms of assistance to about 8,900 businesses in the region.

Baxter Manufacturing makes bakery ovens and equipment for use in the baking industry. Their annual sales in fiscal year 1988 were over \$12 million. I am aware that the White House has one of their ovens.

Baxter Manufacturing is owned by Max and Thelma Baxter and Marlen and Marlene Palmer. They employ a total of 138 people. Their SBA loan guaranty will be used for construction of an 80,000-square-foot office and warehouse and will create 43 new jobs in Pierce County, WA.

More than ever, small businesses are the backbone of our economy. I salute the SBA for encouraging and assisting the entrepreneurs of our country.

VOCATIONAL-TECHNICAL EDUCATION WEEK

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MFUME. Mr. Speaker, I rise today to introduce legislation which will designate the week of February 11 to February 17, 1990 as "National Vocational-Technical Education Week". I call upon this Congress and the President to recognize the significance and value of vocational and technical education.

Mr. Speaker, this legislation is quite similar to House Joint Resolution 572, which overwhelmingly passed this House during the 100th Congress. Senator SARBANES has recently introduced a companion bill, Senate Joint Resolution 130.

This legislation will help to bring out the significance of vocational programs to many of our communities and young adults. Vocational and technical education serves multiple goals—preparing students not only for jobs, but also to encourage these students to further their education, and providing alternative learning experiences that can reduce the dropout rate in our schools.

As a nation we must continue our fight for better schools and vocational-technical education is an integral part of such a fight. Vocational-technical education programs prepare our young people for today's working world by increasing their knowledge and improving their skills and aptitudes.

According to the Department of Labor, 80 percent of the jobs in our country require the kind of skills usually taught in vocational education programs. Vocational students already make up a large portion of the high school population in many of our districts. Greater attention needs to be given to the value of vocational and technical education programs and the contribution that they make to the livelihood of our communities.

Mr. Speaker, to ensure greater competitiveness among our Nation's industries we must continue to train workers of the future. Vocational-technical training can provide America's future workers with the ability to increase productivity and to compete in world labor markets.

I urge my colleagues to join me in bringing attention to the significance and value of vocational-technical education by cosponsoring Vocational-Technical Education Week.

SECTION 1440 OF THE FARM BILL REVIEWED

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, the Congressional Rural Caucus recently heard testimony regarding the administration of section 1440 of the 1985 farm bill. As the author of that section I am impressed with the good work the extension service has made in its im-

plementation. This year's agriculture appropriation bill contains \$3.35 million to fund this program for next year. I include a copy of the testimony presented by Dr. Gail Imig and Ms. Diane Flynn.

A REVIEW OF EXTENSION RURAL DEVELOPMENT ACTIVITIES CONDUCTED UNDER THE AUSPICES OF SECTION 1440, 1985 FARM BILL AND PUBLIC LAW 100-219

(Presented by Dr. Gail L. Imig, Associate Vice President and Director, University Extension, University of Missouri and Ms. Diane Flynn, Interim Associate Dean of Home Economics, Iowa State University)

INTRODUCTION

Section 1440 of the Food Security Act of 1985 authorized educational and counseling services for financially stressed and displaced farmers, including: farm financial management for alternative sources of farm income; emotional stress counseling and stress management; family financial management; off-farm employment and job training; off-farm job creation, and entrepreneurship development; identifying available assistance resources and linkage to specific resources and opportunities.

This report summarizes the activities and accomplishments of the eight states' Section 1440 pilot programs under FY 1987 funding.

SUMMARY OF PROGRAM CONTENT AND EMPHASES

The rural farm and economic crisis has affected states in different ways. Therefore, the state Section 1440 FY 1987 plans of work contain a range of assistance activities that address the most pressing unmet needs in the respective states. These activities generally include: farm financial management assistance, emphasizing on-farm alternative income opportunities and combined farm family management strategies; emotional stress counseling and stress management, including training for Extension personnel in recognizing the symptoms of stress and in coping with stress by farm families; referrals, as needed, to rural mental health treatment facilities, and the organizing of community based peer group support networks; assistance in skill assessment and job search activities for finding alternative, off-farm employment; and referral to community colleges and other providers of Job Training Partnership Act (JTPA) supported classroom skill training and on-the-job training. Some state plans include work with the local community to help retain existing jobs or generate new non-farm employment opportunities.

The Section 1440 program content and administration, briefly stated, were as follows:

Iowa—An interagency work committee, led by Extension, including representation from Job Training (JTPA), the State Public Policy Group, and the Departments of Human Services and Education was formed to identify demonstration sites, assess special local programs, help plan local implementation, enhance information dissemination systems, and strengthen helping networks. Communications and interface with a broader set of agencies and voluntary associations were accomplished through the Governor's Iowa Rural Work Group. The four major program components were: (1) improving emotional readiness for non-farm work and job-seeking skills; (2) improving financial planning and management skills; (3) expanding the functions of the Rural Concern programs to include follow-through; and (4) establishing formal linkages with 10 other helping agencies.

Kansas—The program was closely coordinated with ongoing programs, including the Farmers Assistance, Counseling, and Training Services (FACTS), computerized farm financial management services and lender agencies, the Friends in Deed support network, the Kansas Department of Human Resources displaced farmer business startup and management project, and the community economic development Office of Technical Assistance. The four major program components were: (1) balancing farm profits and family finances; (2) creating jobs and income opportunities; (3) job search education and community based job clubs; and (4) enhancing development of local emotional support and counseling systems.

Mississippi—Cooperation in program implementation was with the Mississippi Private Industry Council, the State Mental Health Agency, and the Mississippi Farm Bureau. The five major program components were: (1) farm and family financial management, including establishment of an area center and a toll-free farm crisis hotline; (2) training in recognizing and coping with emotional stress; (3) job training and job referrals; (4) alternative farm enterprise production and marketing; (5) limited resource farm management and alternative cropping.

Missouri—Program implementation was coordinated with already existing services, such as mental health, employment security, JTPA, vocational rehabilitation, health and public welfare. Program referrals were received from community care givers, lenders, elected officials, various hotlines, MO-FARMS consultants, rural residents, and other Extension personnel. The three major program components were: (1) crisis service coordination and stress management, including rural stress; (2) career and occupational assessment, planning, and referral; and (3) horticultural income alternatives for farm families.

Nebraska—Program outreach was implemented from six agriculture action centers located at community colleges statewide. The three major components of the program were: (1) assessment career counseling and planning, financial evaluation and management training; (2) on-the-job or classroom skill training in demand occupations; and (3) supportive services (health, transportation, and relocation).

North Dakota—The four major program components were: (1) establishing a toll-free 24-hour rural stress hotline; (2) establishing a rural community survival team (ES volunteers other agencies) to help individuals and communities adjust; (3) facilitating new wealth and job creating alternatives for farm and rural families; and (4) helping local governments reduce the cost of services and thereby reduce farm taxes.

Oklahoma—Program cooperation and networking included the State Department of Mental Health, the New Horizons Mental Health Clinic, Catholic Social Ministries, the Oklahoma Conference of Churches, Oklahoma Bar Association, JTPA, farm organizations, Oklahoma County Commissioners Association, SBA, Small Business Development Center, the State Commission on Economic Development, and agricultural lenders. The five major program components were: (1) financial and stress management and planning, (2) income alternatives and career counseling, (3) alternative agricultural enterprises; (4) networking with support agencies; and (5) alternative economic development strategies.

Vermont—Program cooperation and collaboration was provided by several other

agencies, including mental health employment and training, vocational rehabilitation, State Department of Agriculture, Small Business Development Centers, health service providers, clergy, attorneys, lenders, advocacy and volunteer groups, and informal support networks. The three major program components were: (1) financial management and planning for alternative farm income; (2) providing linkages for off-farm employment opportunities; and (3) strengthening human service systems for stressed farm families.

PROGRAM ACCOMPLISHMENTS

As indicated in the state program summaries, a very wide range of assistance was provided to participating farm families, depending upon the nature of problems faced in each state and the extent to which other agencies or organizations, including other Extension educational programs, were already providing assistance.

The states were successful in assisting 6,120 dislocated farm families and 3,463 severely financially distressed farm families in 1987. Since each assisted family averaged from two to four persons, approximately 28,750 persons were assisted altogether.

Other types of assistance provided in selected states included the development of state and local assistance directories in Mississippi, with 1,250 copies distributed. Mississippi also conducted a broad scale media campaign to inform farmers of the services available, and developed a business management video tape. Oklahoma Extension developed five farm crisis-related newsletters or fact sheets, with over 10,200 copies distributed.

Several states also provide assistance and education to others that indirectly assisted dislocated and stressed farm families. In three states, a total of 545 non-farm related businesses were provided business development assistance, and three states provided economic development assistance to 70 communities to help increase non-farm employment opportunities. Large numbers of other professionals, such as clergy, school teachers, and bankers were provided education on working with financially stressed and/or dislocated farm family members. Altogether, six states reported work with 7,805 other professionals in this effort.

Altogether, over 2,500 dislocated or financially stressed farm families experienced positive employment, training, and income earning experience as a direct result of the Section 1440 program. In addition, although the exact number cannot be determined, it is believed that several thousand farm families and small business operators have been able to stay in business as a result of the educational assistance provided by the Section 1440 program.

COOPERATING AGENCIES

By its very nature, a broad based assistance program such as Section 1440 requires cooperation and coordination with a wide range of state and local agencies, organizations, and groups. Section 1440 program directors and field staff appeared to go out of their way to assure that all relevant other assistance providers were involved in the process of helping the dislocated or financially stressed farm families.

The list of cooperators in all states included state and regional mental health agencies, the state job training agency (JTPA) or private industry council (PIC's), and the state employment service agency. Other cooperators in most states included the religious community; state agriculture, econom-

ic development, small business development and human services agencies; community colleges and vocational schools; numerous other, regular, Extension staff members; and the public and private sector farm financial institutions.

Other cooperators in one or most states included the State Department of Commerce (market development), the Main Street program (business and job development), public libraries (information distribution), and public schools (youth stress). Also cooperating were the state bankruptcy conference, the farm bureau, the state bar and veterinary medical associations, the dairymen's association, the migrant education program, the natural organic farmers' association, and sub-state planning and development districts.

In summary, it appears that cooperation was obtained from as many agencies, organizations, and groups as necessary to assure that dislocated and financially distressed farm families received whatever help they needed to cope with the problems they faced and to adjust to new economic and social circumstances in their families.

A TRIBUTE TO GIL HEARD

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. DAVIS. Mr. Speaker, Gil Heard, a man who I have known and admired for years, was recently honored by being inducted into the College Sports Information Directors of America [CoSIDA] Hall of Fame. Gil has been an integral part of northern Michigan's sporting community for many years, and I would like to extend my congratulations on his fine achievement.

Gil was formerly sports information director for Northern Michigan University in Marquette, MI. He retired last year after 23 years of dedicated service. He came to Northern Michigan University after working 11 years as sports director at WMIQ radio in Iron Mountain, MI. For 19 years he performed the play-by-play duties for the Northern Michigan University Wildcat football and basketball radio networks.

He attended the University of Michigan and received his bachelor's degree from NMU in 1970. The Ontonagon, MI native served as secretary to the university's athletic council, and, in addition to membership in CoSIDA, was a member of the Football Writers Association and U.S. Basketball Writers Association.

Gil helped found the Upper Peninsula Sports Hall of Fame, and currently serves as its secretary. He was recognized for his efforts in helping organize the Upper Peninsula All-Star Basketball Classic for high school boys and girls. Elected to the NMU Sports Hall of Fame in 1987, he was also honored by the Upper Peninsula Sportswriters and Sportscasters Association in 1980 for his dedication to sports in the Upper Peninsula of Michigan. Gil was inducted into the CoSIDA Hall of Fame on July 6, 1989 in Washington, DC.

Once again, I would like to express my sincere congratulations to Gil for his accomplishments, and thank him for his contribution to the sports community in northern Michigan.

EXTENSIONS OF REMARKS

ACTORS THEATRE OF LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MAZZOLI. Mr. Speaker, one of the most prominent artistic and theatrical companies in the United States is located in my congressional district: Actors Theatre of Louisville.

Actors Theatre is renowned for the high quality and professionalism of its performances of the classics of the theatre. And, it has achieved international repute for its productions of new works by young American playwrights.

Now located on Louisville's historic Main Street in a building designated as a national landmark, Actors Theatre has served the Louisville area for some 25 years. It has given over 1,000 performances of a wide range of theatrical dramas, musicals, and other offerings.

Actors Theatre of Louisville has captured numerous awards during its rich history including a Special Tony Award in 1980.

Recently, Actors Theatre returned from Finland where the players served as America's representative to the International Theatre Institute's world theatre festival. Finland is the 15th nation in which Actors Theatre has appeared.

I extend to Actors Theatre and its guiding force all this quarter century—Jon Jory—my thanks as a native Louisvillian for all the credit and acclaim Actors brought to our local community, to the Commonwealth of Kentucky, and to the world of performing arts.

On behalf of the city of Louisville, the county of Jefferson, and the State, I wish Actors Theatre of Louisville many more years of success and accomplishment.

EXPENSE OF SOVIET WAR MACHINE SENDS POLES BEGGING FOR AMERICAN DOLLARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. SOLOMON. Mr. Speaker, I hope other Members notice the interesting juxtaposition of two Washington Post headlines last week.

On July 12, one headline told us "Soviet Says Bush's Goal Unreachable." Another headline the same day informed us that "Poles Disappointed By Bush's Offer Of Investment Aid."

The accompanying stories reported, respectively, that the Soviets wouldn't be able to make the reductions in conventional forces urged by President Bush, and that Polish officials had been hoping for billions, rather than merely millions, of American investment aid.

The connection between the two stories should be obvious. If the Soviet Union's communist masters spent less money enslaving the Poles and the rest of Eastern Europe with their expensive war machine, there might be a few rubles to spare for the development of

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Poland and their other client states. Instead, the Poles look to the United States for help.

Mr. Speaker, what clearer proof do we need that Communism has failed, morally and intellectually, and can only be maintained by tanks and bayonets?

At a time when Mr. Gorbachev is seducing the West by talk of a greater Europe that includes the Soviet Union, thereby putting the long-desired wedge between North America and the other NATO nations, the United States needs to assess its own strength. Much of that strength is economic, and we must not hesitate to use it if we wish to prevent our isolation on the world stage.

The fact that this generation of Soviet leaders has learned to smile and to wear tailored suits does not mean the Soviet Union has, all of a sudden, abandoned its dreams of world domination.

CONGRATULATIONS ADAM FISHMAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Adam Fishman, of Providence, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Hope High School in Providence, RI.

This award is presented to the student, chosen by Hope High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Adam has clearly met this criteria by being an honor roll student. He is also vice president of the senior class and is active in community service.

I commend Adam for his achievements and wish him all the best in his future endeavors.

AMWAY CORP. RECEIVES UNITED NATIONS AWARD

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. HENRY. Mr. Speaker, I am pleased to report to my colleagues that Amway International, headquartered in Ada, MI, has recently received the prestigious and coveted "Environmental Achievement Award" from the United Nations Environment Program. Amway Corp. Chairman Jay VanAndel and President Richard DeVos accepted the award on behalf of Amway International at the United Nations in New York City on World Environment Day, June 5, 1989.

This year alone, Amway Corp. is sponsoring three environmental programs designed to raise world awareness of problems plaguing our fragile sphere. This past spring, Amway supported an international team in the Icewalk Expedition to the North Pole which on May 14 planted the flag of the United Nations at the North Pole.

Amway is one of the first corporations to participate in the American Forestry Association's Global Releaf project. The Forestry Association has set a goal of 100 million trees to be planted by the year 1992. And in an effort to help reach this goal, Amway is giving seedlings to all its employees and major distributors. The company is also sponsoring a special display at the United Nations headquarters of Inuit stone sculptures. This exhibition, entitled "Masters of the Arctic," showcases the diverse culture and history of the Inuit people.

Mr. Speaker, Amway Corp. has been a good corporate citizen to the people of west Michigan, home to its international headquarters. It is therefore a particular honor to see it receive international recognition by the United Nations for its contributions to environmental understanding and stewardship. I know that my colleagues join with me in extending congratulations to the thousands upon thousands of Amway employees and distributors who share in this award.

IN RECOGNITION OF THE FLORIDA A&M MARCHING BAND

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GRANT. Mr. Speaker, on the night of July 14, the French Revolution bicentennial celebration culminated in the Bastille Day Parade down the Champs Elysees, the broad avenue which cuts through the heart of Paris. The parade was witnessed by 33 heads of state and governments from 4 continents and more than 1 million spectators.

This extravaganza featured 9,000 French and foreign parade participants and was covered live around the world. There were 16 bands invited by the French Ministry of Culture to participate in the bicentennial festivities. One was from the United States. Mr. Speaker, I am proud to say that the American band representing the United States was the Marching 100 from Florida A&M University, under the direction of Dr. William P. Foster. Florida A&M University is located in Tallahassee, the capital of Florida and part of the Second Congressional District.

Mr. Speaker, I want to congratulate every member of the band for their hard work and spirited dedication to excellence. The honor of being selected to participate in the Bastille Day Parade did not come by accident. It was the result of determination and a lot of sweat under the strong Florida Sun.

Leadership also plays a big role. And no one is more responsible for instilling in the band a sense of spirit and mission than band director Dr. William P. Foster. Congratulations are also in order for his staff, which includes associate director Julian E. White, assistant director Charles S. Bing, arranger Lindsey B. Sarjeant, director of percussion Dr. Shaylor L. James, and equipment manager Donald Bechwith.

French officials became interested in the band as early as September 1988, when the French Minister of Culture asked band director Foster to send a video of the Marching 100.

In November, several French officials traveled to Tampa to see the band perform live.

The style and quality of the band impressed the visitors so much that the French Government promptly offered the university an all expense paid trip to participate in the bicentennial celebration. Including chaperons and university officials, 235 people were treated to a once-in-a-lifetime experience in the French capital.

By all accounts, the French Government made the right choice. They were not disappointed. Neither were the 1 million spectators lining the parade route. The Marching 100, nationally famous for their rapid, high stepping maneuvers, thrilled the crowd with tunes composed by the Godfather of Soul James Brown and moon-walking techniques made popular by pop artist Michael Jackson.

The French Government could have honored any band in America with an invitation to play before the biggest celebration in French history. But they chose a band from Florida.

As Florida A&M University President Dr. Frederick S. Humphries said,

This trip to Paris represents a great honor for Florida A&M University, the State university system, the State of Florida and the United States of America.

On July 15, weary but ecstatic from the experience, the band returned to Tallahassee. Despite arriving near midnight, the band was greeted at the airport by more than 1,000 well-wishers.

Today will be Florida A&M day in Tallahassee. A downtown noon celebration is planned to honor the Marching 100.

Mr. Speaker, the Marching 100 has previously been featured on the television programs "60 Minutes," "20/20" and the "15th Anniversary Walt Disney World Special." In 1985, the band was the recipient of the Sudler Marching Band Trophy, one of a series of awards developed by Louis Sudler and administered by the John Philip Sousa Foundation.

The Marching 100 has been called by many names. ABC and NBC television networks have declared it "the Nation's No. 1 marching band." The Miami Herald newspaper said the Marching 100 is "the most imitated band in America."

After the triumph in Paris, the Marching 100 has earned yet another name. America's band.

HOUSE RESOLUTION 203—SUPPORTING THE CONGRESSIONAL MEDAL OF HONOR SOCIETY'S "HOMETOWN HERO" PROJECT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GAYDOS. Mr. Speaker, yesterday, I introduced House Resolution 203, a resolution expressing the sense of the House of Representatives in supporting a most noteworthy undertaking by the Congressional Medal of Honor Society.

Chartered by Congress and comprised of living Medal of Honor recipients, on July 4, the

society launched a 2-year, nationwide campaign to encourage America to discover its "Hometown Heroes," the recipients of our Nation's highest military award, and to assure them the honor and respect they rightly deserve.

According to the society, 3,393 people have been awarded the Medal of Honor. In many instances, unfortunately, information about some recipients and their deeds is sadly lacking. The society knows that there are more than 400 Medal of Honor recipients who have been lost, with no known record of what happened to them.

This is a tragedy as the names and accomplishments of these individuals who received their country's highest military award for "gallantry and intrepidity at the risk of their lives above and beyond the call of duty" would forever be preserved and remembered.

The society hopes to make America's hometowns aware of their Medal of Honor recipients, inspire school children, college students, and others to research their communities for background on their hometown heroes, and encourage the placing of special gravemarkers on unmarked burial sites of Medal of Honor recipients.

It plans to distribute this new information to libraries, museums, and the Congressional Medal of Honor Society national archives for use by future Americans.

As dean of the Congressional Pennsylvania Delegation, I am especially proud that our State, which has 374 Medal of Honor recipients accredited to it, has been selected by the society to be a flagship in its project.

The Freedoms Foundation at Valley Forge is coordinating the efforts of the society in our State, and already the Pennsylvania House of Representatives has passed a resolution in support of the society's project and urging our citizens to participate in it.

I think the American people would be very willing to help preserve our historic heritage. Here is just one example of what one person can do to recover a "lost" Medal of Honor recipient.

Franklin J. Phillips' act of heroism went unrecognized as he lay in an unmarked grave for 85 years.

Mr. Phillips was a resident of McKeesport, PA, part of my 20th Congressional District, and he enlisted in the Army in 1895 and served 3 years.

He fought in the Spanish-American War, contracted malaria, and, apparently dissatisfied with the medical treatment he received upon his return to the United States, he left the Army and was declared absent without leave. A few months later, after recovering at home, Phillips sought to return to the Army. In stead, he was dishonorably discharged as a deserter.

In 1899, Phillips enlisted in the Marine Corps under the name of Harry Fisher. He was assigned to China to help quell the Boxer Rebellion there. On July 16, 1900, Harry Fisher was shot and killed. His body was returned home to McKeesport where he was buried under his real name of Franklin Phillips.

McKeesport's "forgotten hero" rested in obscurity until 1981 when Mr. Wes Slusher, a city resident, while researching another

project, stumbled upon this case of dual identity. For the next 7 years, Mr. Slusher worked to clear Phillips' name and to give the honors he had earned. His tenacity paid off. Today, Phillips' dishonorable discharge from the Army has been expunged. His military records with the Marine Corps have been corrected to reflect his real name and a duplicate Congressional Medal of Honor has been awarded.

Franklin Phillips' story demonstrates exactly what the Congressional Medal of Honor Society hopes to achieve with its hometown hero project. Although Mr. Phillips is no longer a forgotten hero, there are those Americans who are still lost to history.

I urge my colleagues to join me in supporting the society's project by cosponsoring House Resolution 203.

INTRODUCTION FOR HIS HOLINESS THE DALAI LAMA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. LEVINE of California. Mr. Speaker, I recently had the great pleasure of welcoming His Holiness the Dalai Lama to Santa Monica and introducing him at a party held in his honor. I insert my remarks that day in the RECORD:

INTRODUCTION FOR HIS HOLINESS THE DALAI LAMA, JULY 6, 1989, MALIBU

It is my extraordinary pleasure to have the opportunity to introduce His Holiness the Dalai Lama to you this afternoon.

His Holiness' fifth visit to the United States comes at a particularly auspicious and critical time. All the world's attention has been focused on the People's Republic of China, and its brutal crackdown on pro-democracy demonstrators. Sadly, the severity of the reaction perhaps did not come as a total surprise to those of us who have followed the recent and tragic history of the Tibetan people. But to those less familiar with the struggles of Tibetans to regain their freedom and to preserve their culture, recent events in Beijing and elsewhere have given a sadder but deeper understanding and heightened international awareness to the fate of the Tibetan people.

Indeed, my congressional colleagues and I have repeatedly sought to remind the American people that the situation in Tibet should not be forgotten in the midst of the turmoil in China. The congressional sanctions legislation against China, which

passed as an amendment to the foreign aid bill just last week, stipulates that United States policy toward the People's Republic of China should be explicitly linked with the situation in Tibet, including the lifting of martial law, the opening of Tibet to foreign press and international human rights organizations, the release of political prisoners, and the commencement of negotiations between representatives of His Holiness and the People's Republic regarding a settlement of the Tibetan question.

I am pleased to report that this amendment passed unanimously, by a 418-to-0 vote, despite the Bush administration's opposition to some of the economic sanctions in the legislation. Congress is steadfast and united in its support for the rights of Tibetans and in opposition to human rights abuses by the Chinese Government against citizens of the People's Republic.

Tibet, its future, and human rights for its people are issues of deep personal and professional concern to me and at this point I would like to pay tribute to Michele Bohana, who has been a tireless and passionate advocate for Tibet, and who continues to keep me updated on Tibetan issues on a regular basis. I would like to thank her for helping us to understand better the tragic difficulties the Dalai Lama and his people have faced, and for being an invaluable ongoing resource on Tibet for me and my staff.

I would also like to thank Michele, and all of you, for the honor of joining you to congratulate His Holiness on this occasion.

His Holiness has become over the past 30 years a symbol of peace and a leading international spokesperson for the cause of non-violent social change. His spiritual and political leadership of Tibetans has been the principal force for the preservation of the Tibetan culture and way of life. His ongoing efforts to achieve a peaceful political resolution to the crisis in Tibet is our greatest hope for a future for Tibet that guarantees Tibetan human and political rights, and insures the survival of Tibetan culture.

As the spiritual leader of his people, His Holiness has inspired Tibetans to persevere in the face of the tragic hardships they have suffered, and that they continue to suffer. By his example and leadership, non-violence remains the tool of the Tibetan people in their resistance to oppression.

He was selected to become the Dalai Lama at the age of 2, after which he pursued a rigorous 18-year course in metaphysics. In a recent Time magazine profile of him entitled "Tibet's Living Buddha," Time concludes that "the single most extraordinary thing about him may simply be his sturdy, unassuming humanity. [He] is, in his way, as down to earth as the hardy brown ox-

fords he wears under his monastic robes, and in his eyes is still the mischief of the little boy who used to give his lamas fits with his invincible skills at hide-and-seek." Time quotes his brother as saying, "I recall one summer day—I must have been about 7—when my mother took me to the summer palace to see His Holiness. * * * When we got there His Holiness was watering his plants. The next thing I knew, he was turning the hose on me."

The Dalai Lama is renowned for teaching compassion and love rather than vengeance or hate. In response to China's repression of his own people, he has said, "There is no point in developing hatred for the Chinese. Rather, we should develop respect for them and love and compassion."

As a member of the Congressional Human Rights Caucus, I am delighted that the Congressional Human Rights Foundation has chosen to present its 1989 Raoul Wallenberg Human Rights Award to the Dalai Lama. His Holiness' commitment to the principles of peace, human dignity, and human rights is an inspiration to us all, and there could be a no more fitting recipient of this honor.

Indeed, it would be difficult to devise an award that would take note of all the roles and functions which His Holiness has fulfilled in such an exemplary way. He is, of course, a spiritual leader. However, his spiritual leadership extends not only to Tibetan Buddhists, but to all people of religious faith, both through his devout example and through his officiation at numerous interfaith services, most recently in Costa Rica this past week. He has just returned from meetings with a man I admire greatly, last year's Nobel Peace Prize recipient and the architect of peace in Central America, Costa Rica's President Oscar Arias. As an international statesman, he has kept alive the hopes and cause of his land and his people and has shown great leadership and initiative in advancing the cause of a peaceful resolution to the status of Tibet. And as an advocate of human rights, nonviolence and peaceful change he is an inspiration and example to all who seek justice. His Holiness has been nominated three times for the Nobel Peace Prize, a nomination I have actively supported, and truly, the Nobel is the only award that does justice to the work of this man.

On the occasion of His Holiness' 54th birthday, we celebrate and honor his wisdom, his leadership, and the strength of the human spirit in the face of adversity, which his life so profoundly demonstrates.

It is my great pleasure and honor to introduce to you today His Holiness the Dalai Lama.